

Also, petition of National Association of United States customs inspectors, New York, N. Y., urging the passage of House bill 6577; to the Committee on Ways and Means.

Also, petition of Abingdon Retail Merchants' Association, Abingdon, Ill., urging enactment of such legislation as will encourage production and discourage abnormal demand, and in particular a limited embargo upon exports, prohibition of resales between distributors, limiting board of trade trading to actual delivery, and permitting only producers or distributors of food to deal in same; to the Committee on Ways and Means.

Also, petition of retail merchant's department, Pekin, Ill., urging enactment of such legislation as will encourage production and discourage abnormal demand, and in particular a limited embargo upon exports, prohibition of resales between distributors, limiting board of trade trading to actual delivery, and permitting only producers or distributors of food to deal in same; to the Committee on Ways and Means.

## SENATE.

TUESDAY, October 28, 1919.

(Legislative day of Wednesday, October 22, 1919.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

### NAMING A PRESIDING OFFICER.

The Secretary (George A. Sanderson) read the following communication:

UNITED STATES SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D. C., October 28, 1919.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. IRVINE L. LENROOT, a Senator from the State of Wisconsin, to perform the duties of the Chair during my absence.

ALBERT B. CUMMINS,  
President Pro Tempore.

Mr. LENROOT thereupon took the chair as Presiding Officer.

### DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT.

Mr. WARREN. Mr. President, last evening I presented the conference report on House bill 9205, the first deficiency appropriation bill. I find on an examination that slight errors have been made in the report, and I ask leave to withdraw it for correction.

The PRESIDING OFFICER. Without objection, leave is granted.

### TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

The PRESIDING OFFICER. The pending question is upon the adoption of the amendment in the form of a substitute proposed by the Senator from Tennessee [Mr. SHIELDS] to the amendment of the committee.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	McCumber	Smith, Md.
Ball	Hale	McKellar	Smoot
Bankhead	Harding	McLean	Spencer
Borah	Harris	McNary	Sterling
Brandegee	Harrison	Moses	Sutherland
Calder	Henderson	Nelson	Swanson
Capper	Hitchcock	New	Thomas
Chamberlain	Johnson, Calif.	Newberry	Townsend
Colt	Jones, N. Mex.	Nugent	Trammell
Culberson	Jones, Wash.	Overman	Underwood
Curtis	Kellogg	Page	Wadsworth
Dial	Kendrick	Penrose	Walsh, Mass.
Dillingham	Kenyon	Phipps	Walsh, Mont.
Edge	Keyes	Pomerene	Warren
Fernald	King	Robinson	Watson
Fletcher	Kirby	Sheppard	Williams
France	Knox	Shields	Wolcott
Frelighuysen	La Follette	Simmons	
Gay	Lenroot	Smith, Ariz.	
Gerry	Lodge	Smith, Ga.	

Mr. McNARY. I desire to announce the absence on official business of the Senator from Nebraska [Mr. NORRIS], the senior Senator from Oklahoma [Mr. GORE], the Senator from Louisiana [Mr. RANSDELL], and the junior Senator from Oklahoma [Mr. OWEN].

Mr. GERRY. The Senator from South Dakota [Mr. JOHNSON] and the Senator from South Carolina [Mr. SMITH] are

detained by illness in their families. The senior Senator from Kentucky [Mr. BECKHAM] and the junior Senator from Kentucky [Mr. STANLEY] are absent on public business. The Senator from Nevada [Mr. PITTMAN] is necessarily detained from the Senate.

The PRESIDING OFFICER. Seventy-six Senators have answered to the roll call. There is a quorum present.

### FUNDAMENTAL PRINCIPLES OF THE CONSTITUTION.

Mr. McCUMBER. Mr. President, in these times of social upheaval and unbridled radicalism, when old standards of justice and right are distinctly scattered to the winds, I think the voice of any organized society calling out through the din of frenzied clamor for sobriety and sanity of both word and action is most timely.

I therefore present and ask to have read a resolution of the Supreme Council of the Ancient and Accepted Scottish Rite of Freemasonry for the Southern Jurisdiction of the United States of America, which has lately been in session in the city of Washington and only closed its labors yesterday. The resolution is very short and I ask that it may be read by the Secretary.

The PRESIDING OFFICER. Is there objection? There being no objection, the Secretary will read the resolution.

The Secretary read as follows:

"Whereas the Great War has disturbed old conditions and relations between men, and

"Whereas the transition period is fraught with danger to our country and its institutions through precipitate judgment and ill digested remedial measures on the part of the few but mostly through the indifference and apathy of the many, and

"Whereas fanatical visionaries and criminal intelligence with baser motives have seized this opportunity to promulgate their doctrines of force and direct action regardless of right; now be it

"Resolved, That the Supreme Council of the Ancient and Accepted Scottish Rite of Freemasonry for the Southern Jurisdiction of the United States of America, assembled in biennial session, does now reaffirm its ancient doctrine and repeat its belief in:

"The fatherhood of God and the brotherhood of man; that justice, truth, and equity should govern all human actions; and above all, the need of organized government and constituted authority to express the will of the people, for the people, and by the people, as distinguished from all forms of anarchy and mob rule;

"That we commend in the highest terms the efforts of the President and the Congress of the United States of America to maintain the fundamental principles as proclaimed in the Constitution.

"It further calls on all its subordinate bodies to read this resolution to their members when next assembled and to pledge them collectively and individually to the support of its purpose to maintain sane and reasoned judgment on all public questions, that our liberties and rights as Americans may be preserved and the freedom and dignity of our country be upheld."

### LEAGUE OF NATIONS.

Mr. FLETCHER. Mr. President, I ask leave to have printed in the RECORD an article published in the New York Times of last Sunday entitled "Six to Six in the League."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BRITISH AND AMERICAN VOTES 6 TO 6 IN THE LEAGUE—OUR POWER IN ASSEMBLY EQUALS BRITISH ASIDE FROM JOHNSON AMENDMENT.

[By Prof. Albert Bushnell Hart.]

CAMBRIDGE, MASS., October 17, 1919.

To the Editor of the New York Times:

The discussion on the league of nations during the last six months has been nothing short of a public education. Millions of people have learned the meaning of such obscure terms as "covenant," "league," "ratification," "reservation," "amendment," "interpretation," "mandatory," "existing political independence," "arbitration," and "inquiry." Never since the Federal Constitution was on the knees of the gods a century and a third ago have the American people so carefully studied a document and so anxiously listened to arguments upon its meaning and its application to the future welfare of the country.

Therefore every intelligent person is aware that the league of nations does not contain the section under which the Japanese have become possessed of "rights" as a nation to own railroads and coal mines and to control the commerce of Shantung, which Germany took from China 20 years ago by the "rights" of robbery; that matter is introduced into the closely interwoven

treaty with Germany. Everybody knows also that the famous article 10 of the league of nations, by which "the members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence \* \* \* of all members of the league," is a more moderate and guarded statement than in the original form of the league, and does not bind the United States to go to war or to take any steps dangerous to its own security.

The public, however, does not understand so clearly that the league of nations nowhere in terms gives to Great Britain any other or greater authority in the affairs of the league than any other nation. The "annex" to the covenant includes five communities that are thus accepted as "original members of the league of nations, signatories of the treaty of peace." Since under article 3 "the assembly shall consist of representatives of the members of the league" and "at meetings of the assembly each member of the league shall have one vote," it is true that representatives from within the British Empire may if they all agree cast six votes on one side or other of any question. It is true that therefore the voting weight of the population and territories composing the British Empire is six times as great in the assembly as the vote of the United States or France or China or any other great or small country.

To the mind of Senator JOHNSON this is an intolerable stigma as well as an incalculable danger to the United States. And Senator JOHNSON is so terrifically self-convinced, so absolutely given up to the task of saving his country from ruin, such a fiery Horatius at the bridge, that he leaves his audiences fairly stunned into the conviction that the league is passionately and personally unjust to the people and interests of our beloved land.

Two different lines of argument have been brought against this assertion, which has been driven into the public mind like a pile into a river bed. The first is President Wilson's riposte that it makes no difference how many votes Great Britain may cast, because the assembly is a talkfest and not a workfest. There is much in this argument. It has been evident from the beginning that the assembly was simply a means of giving to each of the constituent nations, no matter how large or how small, participation in the affairs and discussions of the league. The assembly is the parliament of the league. It furnishes the highly important opportunity for every member to bring its own grievances through its own spokesmen and to compel a hearing by the other members. It provides every nation its day in court. In addition, it offers the precious advantages of a world congressional record, for its case goes out to mankind, and at the same time every one of the signatories has a right to jump into the debates on the propositions of the other 29. Presumably the assembly will hold its meetings in public, and in any case its discussions will be no more secret than those of the United States Senate in executive session.

The assembly receives no substantive power for the ungainsayable reason that it is absolutely impossible to frame a world league upon the basis of an equal vote to every nation. No great power would possibly enter an assembly in which the combination of the votes of Bolivia, Ecuador, Greece, Guatemala, Hedjaz, Liberia, Peru, Poland, Portugal, Siam, Uruguay, Norway, Denmark, Persia, Switzerland, and Paraguay—a total of 16, and therefore a majority of the league members—could prevail against the will of the United States of America, together with China, France, Italy, Japan, Argentine Republic, Spain, and seven small powers.

To give decisions by equal votes would make a league of nations impossible. Hence it is not unreasonable to say that no extra number of votes given to any large power would secure for that power an undue influence in the league, inasmuch as no vote of the assembly can prevail against decisions by the council upon the highly important matters committed to that body.

The second argument is that there is nothing in the text of the league or in the conditions to make it certain that the six votes will act together. The British Empire, and also Canada, Australia, South Africa, New Zealand, and India, each for itself, are entitled to send "representatives" of those communities. The first four are as near independent nations as is possible for any bodies of men who recognize any central authority outside themselves.

Their forms of government have, to be sure, been enacted for them by the British Government, but in every case they have practically been drawn up by the people concerned, even at the expense of a part of the authority which Great Britain has previously exercised. They all elect their own legislative bodies; they all provide themselves with a prime minister, who is virtually the head of the State; they all have a cabinet government, which will undoubtedly designate the representatives in the world assembly and will instruct them. Furthermore, each

one of those four communities has a larger population and a greater likelihood of power and prestige among future nations than several of the full and independent nations. Every one is more important to the world than any of the 16 small powers mentioned above, each of which has a vote equal to that of Australia or Canada.

Two deviations from the advantage of this plan from the British point of view are India and the remaining colonies of Great Britain in the West Indies and elsewhere, which are represented only by the central British Government. That India should have a vote in the league of nations when it has none in the Parliament of the Empire and is deprived of a Parliament of its own is a real anomaly and might be a cause of grievance. To be sure, India is next after China the most populous community on the face of the earth. It has furnished a million soldiers for the World War, and without them Mesopotamia, Palestine, and Syria could not have been conquered, and probably Egypt and the Suez Canal would have been lost. At present the vote of India is not a separate and independent vote in the same sense as that of Canada. It would undoubtedly be cast by the central authority in London. Furthermore, it is altogether likely that all the five adjunct votes would join that of Great Britain on any question which raised the square issue of the British Empire as a whole against the interests of other parts of the world.

The two lines of argument just discussed alone or taken together make it reasonably certain that no danger to the United States or to the proper conduct of the world league is to be expected from the six votes which are printed in the unterrifying official form, "British Empire, Canada, Australia, South Africa, New Zealand, India."

Even when the six communities all vote together they are outvoted several times over by aggregations of Central European, or Asiatic, or Latin American powers; and in any event votes in the assembly are not decisive of either the policy or the action of the league.

A third and more urgent answer to Senator JOHNSON has hitherto been left out in the cold. It has been carefully neglected by the enemies of the league, because it oversets all their appeals on this point; and the spellbinders of the league avoid it because it is based upon a disagreeable truth which it is thought indelicate to mention in political American circles. That truth may be brought out clearly by a little rearrangement and indenting of the names of a few of the "nations signatory" to the treaty of peace as follows: United States, Cuba, Panama, Dominican Republic, Nicaragua, Haiti.

The change of order simply calls attention to the fact that the United States has no right to complain that the British Empire controls five extra votes in the assembly of nations, inasmuch as the United States also controls five votes among its protectorates, and has a much greater assurance that nobody will break away from the gang. Considering the result of the Spanish War in bringing in territory, and the confidence of the American people that they can govern their small neighbors much better than those neighbors can govern themselves, it is singular that neither Government officials nor critics of public affairs are willing to come out in the open. Why not own that the United States, in addition to its tropical colonies of the Philippine Islands, Pacific Islands, Hawaii, Porto Rico, and the Virgin Islands, controls firmly established protectorates in five of the nearby Caribbean and Central American States. This modesty or obstinacy is the more remarkable in view of the fact that the paramount influence of the United States in those five countries is a line of policy steadily followed by four successive Presidents; that it has been confirmed in every case by treaties duly ratified by the Senate; and that Congress has without a whimper provided the troops necessary to keep the protectorates contented.

This formal policy of American protectorates began with the appearance of the American Army in Cuba in 1898, followed by an occupation of several years under the authority of President McKinley. Next came the Roosevelt Panama Treaty of 1904, which not only practically annexed the Canal Zone but left the remainder of the Republic of Panama under very direct American influence. The third case was that of Santo Domingo, occupied under orders from President Roosevelt in 1905. Nicaragua was in effect taken over under President Taft in 1911, and the transaction was confirmed by President Wilson in 1913. Haiti was occupied by American troops in 1915; as a contemporary newspaper put it, "Rear Admiral Caperton, of the United States Navy, is in complete charge of the Republic."

These were not temporary occupations, the result of attacks on the United States troops or ships or citizens or property, but a purposeful transfer of the final authority of government from the people of the five countries to the United States. This abrogation of sovereignty is expressed in the treaties made in every case, though in most instances some months or even years after



the territory had come within the power of the United States Government.

In 1902 the United States declined to withdraw the troops from Cuba till the Cubans made a part of the constitution of the Cuban Republic "the Platt amendment," which was originally drafted by President Roosevelt, to the effect that Cuba would never enter into any entangling treaty or attempt to declare its independence or allow any other power to get control. Furthermore, the United States was accorded "the right to intervene" in case of danger to the Cuban Government. In 1906 to 1909 American troops did enter Cuba under orders from Washington, and our Government stands ready at any time when it appears necessary to take over the Cuban Government again for the time being.

Panama granted no such right of intervention in the canal treaty of 1904; but the Republic is so subdivided and reduced in size that it is impossible for it to act contrary to the policy of the United States. The Santo Domingo treaty, ratified by the Senate in 1907, put the collection and the distribution of the national revenue in the hands of a receiver general, who was practically an officer of the United States; and that control has never been given up. Further, the Dominican Republic promised not to increase its public dues nor to modify its tariff revenues except in agreement with the United States. In Nicaragua a small force of United States marines virtually held the country down from 1911 to 1914, when Secretary Bryan negotiated a treaty finally ratified in 1916. A series of limitations was laid down similar to those laid upon Cuba, including the statement that "The United States had the right to intervene for the preservation of Nicaraguan independence." Ten days later the Senate ratified a treaty pressed upon the Haitian Government on 24 hours' notice, by which the control of the finances of the country was taken over by the United States. Haiti agreed not to surrender any territory to any other nation, and "should the necessity occur, the United States will lend an efficient aid."

Not only has the United States thus established fiscal control over three of the five countries; it also pays a benevolent attention to their politics and internal government. Any candidate for the presidency of the Republic of Panama who is not well inclined to the United States simply does not get before the electors. In Santo Domingo there was a great uproar because Secretary Bryan urged the fiscal official practically designated by the United States, but paid out of the Dominican treasury, to make appointments from "among deserving Democrats." Cuba would undoubtedly have a very different government and probably a different President but for the watchfulness of the big neighbor across the straits, which allows only the right kind of people to carry on the affairs of Cuba. There is not one of these five countries that really has an independent government or exercise of sovereignty. There is not one of the five, except perhaps Panama, that would not abrogate the arrangement with the United States if it had genuine "self-determination."

This article is not written to criticize the protectorate policy of the Government, for it seems to be accepted by all administrations, all departments of the Government, and all parties as a necessary and proper incident of our foreign relations. In Santo Domingo and Haiti there was great danger of some kind of foreign occupation, which the United States warned away. The control of Panama is a necessary defense of the canal. Nicaragua includes a possible canal route which the United States felt it must control. Peace in Cuba was the object of the war in 1898, and must be kept now.

The significant point is that the United States can not fairly enjoy all the advantages of these protectorates and then go before the world with the cry that Great Britain has jockeyed us by securing six votes in a negative and almost powerless assembly in which we have but one vote. No one acquainted with public affairs can suppose that the representatives of Haiti, Nicaragua, Panama, the Dominican Republic, and Cuba in the world assembly will ever be hostile to the United States. Not one of them would dream of joining a league of nations without the gracious nod of Uncle Sam. Those five votes would practically be at all times in the vest pocket of the American representatives in the assembly, acting under instructions from Washington. Other nations might perhaps protest that Latin American votes were too easily influenced by the United States. Talk of India! The United States has five Indias on the Atlantic side and one on the Pacific, for no one can doubt that the Philippine Islands, when they receive their "independence," will be checked by the same kind of string as Cuba, so far as foreign policy is concerned.

Therefore, all the talk about the affront to the dignity of the United States, the giving away of our equality in the league of nations, the exaltation of British influence, is nothing but a

herring across the trail. The United States is abundantly protected against British votes, if protection were needed, by its complete influence over its protectorates. In addition it has in the council of nations a position of immense power and influence. It is one of the nine large countries there represented. It is one of the privileged group of five "principal and allied associate powers," and is the richest and has the greatest military strength of the five. It is one of the three powers—Great Britain, France, and the United States—which have closed together in the intention that the world shall be both democratic and peaceful. It is the leader in the two Americas.

In view of these immense advantages in the league, what is the sense of the violent lamentation and fist shaking and hullabaloo over the six votes of the British Empire? In China, when a woman has a "nervous breakdown" she gets up on the roof of a house and "reviles" not her husband or children particularly but the world in general. That relieves her feelings and the family knows that she will come down by and by in time to cook supper.

ALBERT BUSHNELL HART.

#### THREATENED STRIKE OF COAL MINERS.

Mr. THOMAS. Mr. President, on yesterday I gave notice that upon to-day I would call up and ask unanimous consent for the consideration of Senate joint resolution 120. In view, however, of the extraordinary ceremonies which are scheduled for to-day, I shall defer asking for unanimous consent to consider the joint resolution until to-morrow morning. I ask that it may lie on the table in the meantime.

The PRESIDING OFFICER. Without objection, the joint resolution will lie on the table.

#### PAY OF OFFICERS AND ENLISTED MEN.

Mr. THOMAS. Mr. President, while I am on my feet I wish to refer to an article in the Post this morning which assumes to state the contents and purpose of a bill which I introduced yesterday, the statement being that its object was to provide for the detail of soldiers of the Army to work in the coal mines. Such was not the purpose or the intent of the bill, and I do not think that its phraseology justifies that interpretation. The object to be subserved by the bill is to permit the Government to detail soldiers, if necessary, to operate the facilities and means of communication necessary for the transaction of interstate commerce. The congestion of freight, the interruption of transportation, either by rail or by other lines of communication, are matters essentially different from production. The purpose of the bill is to utilize soldiers, if necessary, to keep these lines and these facilities in operation and, incidentally, to provide the same compensation for members of the Army when they are detailed for such purpose as is paid as wages in the ordinary transaction of the business appertaining to those lines.

#### LEAGUE OF NATIONS.

Mr. HITCHCOCK. I ask to have read the open letter which I send to the desk, adopted by the Berkeley Defense Corps, of California.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent that there be read the communication referred to by him. Is there objection? If there be no objection, it will be so ordered. The Secretary will read.

The Secretary read as follows:

Moved and carried that the following open letter be sent to Senator HIRAM JOHNSON:

"DEAR SIR: This body consists of more than 600 average patriotic men of Berkeley. Doubtless more than two-thirds of us have voted for you. By a unanimous vote of all members present we have, three different times, indorsed the immediate ratification of the peace treaty, including the covenant of the league of nations. At a fair test vote of Berkeley citizens, nearly 2,000 voters recently, in the proportion of more than 4 to 1, favored such ratification, fewer voting for reservations or amendments than voted for rejection. The students of the State University, representing all parts of the State and consisting largely of ex-service men, by nearly as large a vote, expressed themselves more than 5 to 1 in favor thereof. The Berkeley Post of the American Legion has declared for ratification. The California Teachers' Association has just declared thereof unanimously. So also the State convention of Civic League by a 4-to-1 vote. Public sentiment throughout the State is overwhelmingly in favor of such action. Newspapers asserting the contrary are falsifying. You certainly do not feel more comfortable in the company of Hearst and De Young than in that of Rowell, Wallace, Richardson, Van Fleet, Angelotti, Olney, and thousands like them, thoughtful leaders of your own party in this State, not forgetting Herbert Hoover, our greatest Californian. Shantung should belong to China, but a league of nations can help restore it, and rejection would enable Japan to keep it and grab more.

"The very slight power in only one of the two bodies of the league given to self-governing British colonies can not conceivably do serious harm. It gives acknowledgment to the fact that, in substance, they are, and of right ought to be, free and independent States. We of the Pacific coast would be silly fools to object to Canada, Australia, and New Zealand having even much greater influence. They speak our language, think the same thoughts, share in the same ideals. Like us, they face the Pacific and its problems, face the Orient with its 'teeming millions' of yellow and brown races. In the future difficulties that

may arise therefrom, those brave, English-speaking, liberty-loving white peoples are surer to be with us than is the British Government at London or even our own at Washington.

"France, Italy, and other European nations do not object to this representation in the assembly. France's statesmen are not fools, and are not treating their constituents as such. For us to ask six times the representation in the assembly that is given to our heroic sister Republic France, is in the nature of an insult to France and to our own intelligence and fairness.

"We earnestly beg you to represent Californians and therefore vote for ratification. Above all, force it to a vote."

BERKELEY DEFENSE CORPS.

BERKELEY, CALIF., October 20, 1919.

#### COAL SUPPLY.

Mr. FRELINGHUYSEN. I ask unanimous consent to have two telegrams, which I send to the Secretary's desk, read for the information of the Senate.

The PRESIDING OFFICER. The Senator from New Jersey asks unanimous consent that the telegrams referred to by him be read by the Secretary. Is there objection? There being no objection, it is so ordered.

The Secretary read as follows:

LOGAN, W. VA., October 27, 1919.

Senator JOSEPH S. FRELINGHUYSEN,  
Washington, D. C.:

We can guarantee the nonunion miners of Logan County continuing to work if no outside influence or intimidation is permitted. Our miners are well satisfied and working to full capacity. This district can produce 1,000,000 tons of coal per month. Can we depend upon the Federal Government preventing any armed invasion by union miners to compel our men to cease work?

LOGAN COAL OPERATORS' ASSOCIATION.

PITTSBURG, KANS., October 27, 1919.

Senator FRELINGHUYSEN,  
United States Senate, Washington, D. C.

HONORABLE SIR: We beg of you to exert the influence within your province toward averting the contemplated strike of bituminous coal miners, scheduled for November 1. A movement of this nature at the present time would be injurious to industry and seriously inconvenience the public. Should the demands of the miners be granted, the results would be disastrous to manufacturers and contractors using skilled labor in contract work in this district.

UNITED IRON WORKERS (INC.).

#### PETITIONS AND MEMORIALS.

Mr. LODGE presented memorials of sundry citizens of Cambridge, Worcester, West Somerville, Concord, and Everett, all in the State of Massachusetts, remonstrating against the ratification of the proposed league of nations treaty unless certain reservations are adopted, and praying for its separation from the Committee on Foreign Relations, which was ordered to lie on the table.

He also presented a petition of the Improvement Association, of Edgemont, Ohio, praying for the inclusion in the resolution of ratification of the treaty of peace and league of nations covenant of the reservations proposed in the report of the Committee on Foreign Relations, which was ordered to lie on the table.

Mr. NEWBERRY presented a petition of the Upper Peninsular Educational Association, of Marquette, Mich., praying for the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WADSWORTH (for Mr. CUMMINS):

A bill (S. 3319) to provide for the reimbursement of the United States for motive power, cars, and other equipment ordered for railroads and systems of transportation under Federal control, and for other purposes; to the Committee on Interstate Commerce.

By Mr. SIMMONS:

A bill (S. 3320) to amend and modify the war-risk insurance act; to the Committee on Finance.

By Mr. THOMAS:

A bill (S. 3321) for the improvement of the customhouse at Denver, Colo.; to the Committee on Public Buildings and Grounds.

#### COLD-STORAGE REGULATIONS.

Mr. NEWBERRY (by request) submitted an amendment intended to be proposed by him to the bill (H. R. 9521) to prevent hoarding and deterioration of and deception with respect to cold-storage foods, to regulate shipments of cold-storage foods in interstate commerce, and for other purposes, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the President

of the United States having returned to the House of Representatives, in which it originated, the bill (H. R. 6810) to prohibit intoxicating beverages and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries, with his objections thereto, the House proceeded, in pursuance of the Constitution, to reconsider the same; and

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

The message also announced that the House had passed a bill (H. R. 10137) to amend an act entitled "An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes," approved June 20, 1906, and for other purposes, in which it requested the concurrence of the Senate.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 1377. An act for the relief of Amherst W. Barber;

S. 2250. An act providing for the exchange of certain legislative buildings and grounds owned by the Government of the United States in Bangkok, Siam;

S. 3096. An act to authorize the construction of a bridge across the Red River at or near Moncla, La.; and

S. 3190. An act to authorize the construction of a bridge across the Pocomoke River, at Pocomoke City, Md.

#### HOUSE BILLS REFERRED.

H. R. 10137. An act to amend an act entitled "An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes," approved June 20, 1906, and for other purposes, was read twice by its title and referred to the Committee on the District of Columbia.

#### NATIONAL PROHIBITION—VETO MESSAGE.

Mr. STERLING. Mr. President, I understand that the message just received from the House of Representatives relates to the passage of the national prohibition bill over the President's veto. The matter can not be laid before the Senate in executive session. I therefore ask that, as in legislative session, the message be laid before the Senate.

Mr. ROBINSON. I object.

The PRESIDING OFFICER (Mr. LENROOT in the chair). Objection is made.

Mr. LODGE. The Senator can make a motion to that effect.

Mr. STERLING. I therefore move that the Senate return to legislative session.

The PRESIDING OFFICER. The Senator from South Dakota moves that the Senate return to legislative session.

Mr. HITCHCOCK. Mr. President, that, I understand, is a debatable motion.

The PRESIDING OFFICER. The Chair understands it is not debatable.

Mr. HITCHCOCK. I desire to say to the Senator that it seems to me—

The PRESIDING OFFICER. Will the Senator from Nebraska inform the Chair concerning the rule to the effect that the motion made by the Senator from South Dakota is debatable?

Mr. HITCHCOCK. Certainly it is a debatable motion to return to legislative session. The motion to go into executive session is not debatable, possibly, but the motion to return to legislative session is always debatable.

Mr. STERLING. If the Senator from Nebraska will permit me, I desire to say just one word. I think it will take but a short time to dispose of this matter. I do not expect to discuss the question, and I know of no Senator who does. I think it can be disposed of by a vote at once, so the other proceedings of the Senate, the consideration of the treaty, will be delayed but a short time. Of course, I think we must contemplate very early action on this measure.

Mr. HITCHCOCK. Mr. President, we are here in executive session, following a recess, for the purpose of discussing the treaty and, if possible, coming to a vote upon the treaty. I hope the Senator will not at this time press this motion. I have been informed by the Senator from Massachusetts that he is under the necessity of leaving here, so that he will not be present on Saturday. I presume that naturally an effort will be made to lay the treaty aside on that day, and it is possible legislative business could then be taken up; but I trust the Senator will not attempt to displace the treaty at this time. We have been subjected to all sorts of aggravating delay in connection



with the consideration of the treaty, and the country is beginning to feel that things are done for the very purpose of bringing about a delay in its discussion. The matter to which attention is called by the Senator from South Dakota is of no tremendous imminence; it is a matter of a few days—

Mr. NEW. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Indiana?

Mr. HITCHCOCK. I yield to the Senator from Indiana.

Mr. NEW. I will ask the Senator if he thinks the President vetoed the bill for the purpose of interposing delay?

Mr. HITCHCOCK. I think he probably vetoed the bill because he believed that it was an improper bill. He followed out exactly the position he has taken before the country. I am neither criticizing nor sustaining the President at the present time in his veto, but what I am objecting to—

Mr. SMOOT. I rise to a point of order.

Mr. NELSON. I make the point of order that the question is not debatable.

Mr. SMOOT. Mr. President, I call attention to paragraph 7 of Rule VII, which reads:

The presiding officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate any bill or other matter sent to the Senate by the President or the House of Representatives, and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate.

Mr. HITCHCOCK. Mr. President, that is not the situation that is before the Senate.

Mr. LODGE. It is the precise situation.

Mr. HITCHCOCK. The Senate is not now in legislative session; it is in executive session. If it were in secret executive session, it would not be any more impossible to lay a legislative matter before the Senate than it is now in open executive session.

Mr. SMOOT. Mr. President, the rule is very plain. It refers to "any bill or other matter sent to the Senate by the President or the House of Representatives" and provides that "any question pending at that time shall be suspended for this purpose," whether it be in secret executive session, open executive session, or open legislative session. The rule further provides:

Any motion so made shall be determined without debate.

Mr. HITCHCOCK. That rule does not cover this case. The presiding officer has no power in executive session to lay before the Senate for action legislative business; necessarily the only motion which can be made is a motion to go into legislative session, and that motion is a debatable motion.

Mr. LODGE. Mr. President, the rule is very clear that—

The presiding officer may at any time—

There is no restriction whatever—

may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate any bill or other matter sent to the Senate by the President or the House of Representatives—

The measure referred to by the Senator from South Dakota comes from the President and from the House of Representatives—

and any question pending at that time shall be suspended for this purpose.

A motion can be made to suspend the consideration of the treaty; and, if agreed to, that suspends the executive session—

Any motion so made shall be determined without debate.

Mr. POMERENE. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. LODGE. I yield.

Mr. POMERENE. Assume, for the sake of the argument, that we were in secret executive session; it must follow that we could not consider a legislative matter in secret executive session. Now, does not the same rule apply, to wit, that if we are in executive session when a legislative matter comes before us, the first motion would be to go into legislative session?

Mr. LODGE. It is customary to receive messages from the President and from the House of Representatives when we are in secret executive session; and if this rule is invoked, they must be laid before the Senate, and the very fact of laying them before the Senate involves returning to legislative session. The privileged motion is the motion to go into executive session, and, of course, that privilege covers the motion to go out of executive session; it must cover it.

Mr. BRANDEGEE. Mr. President—

Mr. HITCHCOCK. I yield to the Senator; I still have the floor, as I understand.

The PRESIDING OFFICER. The Senator from Nebraska yields to the Senator from Connecticut.

Mr. BRANDEGEE. I do not ask that.

The PRESIDING OFFICER. The Senator from Nebraska will proceed.

Mr. HITCHCOCK. Mr. President, the rule quoted by the Senator must convince the Senate that the contention is wrong. The Senator from South Dakota has not requested and can not request that the matter be laid before the Senate, because the Senate is not in legislative session, and it can only act upon it in legislative session. The only motion he can make is the motion which he did make, to proceed to consider legislative business. After we get into legislative session, then it will be in order to ask that the message from the House of Representatives be laid before the Senate; but the motion which he now makes, which is the only one that he can make, to proceed to the consideration of legislative business, is a debatable question. That is my only contention.

The PRESIDING OFFICER. The Chair is ready to rule. The Chair is of the opinion that subdivision 7 of Rule VII applies, so far as laying the business before the Senate is concerned, to the session of the Senate, whether in executive or legislative session, and such a motion is, therefore, in order. The Chair does not pass upon the question of whether the business can be disposed of by the Senate without returning to legislative session. That point may be raised later.

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BRANDEGEE. What is the pending motion?

The PRESIDING OFFICER. To lay it before the Senate.

Mr. BRANDEGEE. To lay what before the Senate?

The PRESIDING OFFICER. The bill referred to by the Senator from South Dakota, together with the veto message of the President.

Mr. ROBINSON. I rise to a point of order. The Senator from South Dakota—

Mr. BRANDEGEE. I believe I have the floor.

Mr. ROBINSON. I rose to a point of order.

Mr. BRANDEGEE. So did I.

Mr. ROBINSON. Very well.

Mr. BRANDEGEE. And the Chair recognized me.

The PRESIDING OFFICER. The Senator from Connecticut rose to make a parliamentary inquiry—

Mr. BRANDEGEE. Which is a point of order.

The PRESIDING OFFICER. And the Senator from Connecticut will proceed.

Mr. BRANDEGEE. I wanted to know what the motion was, and if the Chair—

The PRESIDING OFFICER. The motion is to proceed—

Mr. ROBINSON. I rise to a point of order.

Mr. STERLING. No; the motion was—

Mr. ROBINSON. I wish to make the point of order that the Senator from South Dakota did not make the motion stated by the Chair, but made a motion to return to legislative business.

Mr. STERLING. That was the motion.

Mr. ROBINSON. That is the point of order that I make.

The PRESIDING OFFICER. The Senator is correct.

Mr. BRANDEGEE. If I correctly understand the Chair, the pending motion is that the Senate now proceed to the consideration of legislative business.

The PRESIDING OFFICER. That is correct.

Mr. BRANDEGEE. That motion is debatable.

The PRESIDING OFFICER. The Chair thinks it is debatable. The question is, Shall the Senate return to legislative business?

Mr. UNDERWOOD. Mr. President, the pending motion is debatable?

The PRESIDING OFFICER. The Chair so understands.

Mr. UNDERWOOD. I also understand the motion to return to legislative session is for the purpose of passing on the message of the President vetoing the prohibition bill.

Mr. BRANDEGEE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Connecticut?

Mr. UNDERWOOD. I yield.

Mr. BRANDEGEE. The Senator does not mean that it is the purpose to pass the bill over the veto?

Mr. UNDERWOOD. I understood that was the purpose.

Mr. BRANDEGEE. I did not understand so, and that is the reason why I wanted to get the Senator's idea.

The PRESIDING OFFICER. The motion before the Senate now is merely the question of returning to legislative session.

Mr. BRANDEGEE. That is what I understand. If the other motion is made, I have a point of order against that other motion.

Mr. UNDERWOOD addressed the Senate.

After having spoken for some time,

Mr. LODGE. Will the Senator allow me to ask for an order, necessary at this time?

Mr. UNDERWOOD. Certainly, I yield for that purpose.

#### RECEPTION TO THE KING OF THE BELGIANS.

Mr. LODGE. Mr. President, I move that a committee of six Senators be appointed by the Chair to receive His Majesty the King of the Belgians and escort him to the Senate Chamber.

The motion was agreed to; and the President pro tempore appointed Mr. LODGE, Mr. HITCHCOCK, Mr. HARDING, Mr. SWANSON, Mr. WARREN, and Mr. UNDERWOOD as the committee.

#### NATIONAL PROHIBITION—VETO MESSAGE.

Mr. UNDERWOOD. Mr. President, if it is not the purpose of the Senator from South Dakota [Mr. STERLING] that we shall return to legislative session that he may call up the veto message of the President, I will take my seat. I would like to inquire from the Senator if that is his purpose.

Mr. STERLING. I will say to the Senator from Alabama that the motion made by myself is to return to legislative session, and that is the pending motion. Then I expect to ask that the prohibition bill be laid before the Senate in legislative session.

Mr. UNDERWOOD. That is my understanding of the legislative situation, and, Mr. President, before we vote on it I want to address myself to that situation.

I want to state in the beginning my position in reference to the bill that the President has just vetoed. In the first place, Mr. President, I voted against the constitutional prohibition amendment because I believed that was a question for the States to determine and not for the National Government. I believed it was better in the interest of the people of the United States that each State government should determine the question of prohibition for itself rather than that the National Government should reach that determination. Therefore I voted against the submission of the national prohibition amendment, but it was adopted by the Congress, submitted to the people, and ratified by the States. It is the law of the land, and, so far as I am concerned, although I did not believe that it was the best way to handle the temperance question, the people of the United States have agreed to it, and I am in favor of enforcing the law. I shall vote now and at all times in the future for proper and just laws to be placed on the statute books to enforce Nation-wide prohibition under the constitutional amendment. More than that, I shall vote to appropriate the money, no matter how much it costs, to give a fair opportunity to enforce the amendment. I think it is going to cost a vast deal more money out of the Public Treasury to enforce the law than some of the advocates of the law pretended it would cost. But no matter what it costs, the American people are entitled to have the law tried out, and I am in favor of appropriating the money for that purpose.

That is only one side of this question. That is the permanent law, and I stand for the enforcement of the permanent law. The people of the country have passed judgment on it, and the President of the United States stands for the enforcement of the law. But the reason why he vetoed this bill was because the men who proposed Nation-wide prohibition broke the faith. They were not true to their own proposals to the country, and the President of the United States is exactly right. His veto message should be sustained, and then the Congress should turn around and pass a law to enforce the constitutional prohibition when constitutional prohibition goes into force and effect, as it will next January.

Why do I say that these men broke the faith? Because they proclaimed to the country that they were not in favor of a drastic destruction of private business, that they were not in favor of the confiscation of private property, that they believed in giving men who were in business an opportunity to wind up their affairs, and they themselves, not the men who were engaged in the liquor business, not the men who believed that the States should determine these questions, but the advocates and proponents of constitutional nation-wide prohibition wrote into the fundamental law of this land that the amendment should not go into effect and be binding upon the people of the United States for one year after its enactment. What was the purpose? Manifestly to let the men who were engaged in the business wind up their affairs. Manifestly it was the purpose to let them dispose of the property they had on hand, so that the question of the confiscation of private property without compensation, in violation of the fifth amendment to the Federal Constitution, should not be considered in the passage of the prohibition amendment resolution by the Congress. There is not a Senator on the floor of the Senate who does not know that that was the purpose in postponing the time for the taking effect of the Federal amendment for one year after its ratification.

We went into the war under the cry that we must take care of the soldier; and I do not combat that. The men who were defending the flag of their country were entitled to the first thought. As to whether they were protected by this legislation I know not; but under that cry it was proposed to write nation-wide prohibition on the statute books of the United States without waiting for constitutional prohibition to take effect. The Congress adopted it, and the people of the country submitted to it, because possibly the life of the Nation might be at stake, and all, then, were prepared to sacrifice all things to support the Government, the Army, and the flag.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Idaho?

Mr. UNDERWOOD. I do.

Mr. BORAH. I sympathize with the view expressed by the Senator from Alabama to a considerable extent. I have never been satisfied in my own mind as to the constitutionality of the dry war-time prohibition act since the war ended. But I am utterly bewildered to know when the war did end. We had a message from the President day before yesterday to the miners stating that the war was not closed and therefore their contract was not at an end. Now we have a message from the President to the effect that the war-time prohibition law is void because the war has closed.

Mr. UNDERWOOD. I do not think the Senator from Idaho grasped the President's message.

Mr. BORAH. Perhaps not. I have been unable to grasp several of them.

Mr. UNDERWOOD. I will try to make it clear to the Senator, if he will allow me. I was only leading up to the case.

During the war time Congress passed a nation-wide prohibition law that was to stay on the statute books until the war was ended and demobilization took place, and that is on the statute books to-day, unless it is unconstitutional. I see that a Federal judge on yesterday held that the act was in violation of the fifth amendment, and therefore unconstitutional. But I am not arguing that side of the question. We have on the statute books constitutional prohibition. It is in the Constitution. We have on the statute books war-time prohibition, which the President asked Congress to repeal last summer and which Congress refused to repeal. But the gentleman in charge of this bill, seeking to enforce constitutional prohibition and put on the statute books a law to enforce the constitutional amendment, and on that subject I am with them, because the law should be enforced, were not satisfied. They listened to the appeal of the extremists. They forgot abstract justice, they forgot property rights, and they wrote into this measure a provision that was to produce prohibition in the United States in that lapse or space of time resting between the expiration of war-time prohibition and the beginning of constitutional prohibition. Do I make myself clear to the Senator?

Mr. BORAH. No. The Senator is clear enough from his standpoint, but he is not arguing now what the President said in this message.

Mr. UNDERWOOD. I am not discussing the President's message. I am discussing my viewpoint of the question.

Mr. BORAH. I agree with the Senator's viewpoint; but if this war-time prohibition act is void by reason of the fact that the war is over and demobilization has taken place, how can it be said that the war is not over with reference to those contracts which were made in contemplation of the existence of the war and which were to continue only so long as the war lasted?

Mr. UNDERWOOD. I am not going into an argument of that question; it has nothing to do with this case.

Mr. BORAH. It has a good deal to do with another case which is before the Senate.

Mr. UNDERWOOD. I will discuss the other case later on with the Senator. I am not going to discuss that question now.

Mr. BORAH. We have a joint resolution pending before the Senate based upon the theory that the war is still in existence so far as those contracts are concerned, and this proposition is based upon the theory that the war has ended.

Mr. UNDERWOOD. No; the Senator misunderstands the President's veto.

Mr. BORAH. I do not misunderstand the President's veto. The language is plain, whoever wrote it.

Mr. UNDERWOOD. The President refers to the fact that the war is over in his message, but the bill that he is vetoing does not relate to war-time prohibition.

Mr. BORAH. Yes; it does.

Mr. UNDERWOOD. Not at all.

Mr. BORAH. Here is what the President says—



Mr. UNDERWOOD. I am talking about the bill. I am not talking about the President's language.

Mr. BORAH. I am talking about what the President said.

Mr. UNDERWOOD. Now, I am going to make myself clear on this question.

Mr. NELSON. Mr. President, will the Senator allow me?

Mr. UNDERWOOD. Certainly.

Mr. NELSON. I do not desire to interrupt the Senator, but I want to ask a question in regard to this matter, if the Senator will allow me. Under the war-time prohibition act the President can issue his proclamation when the Army is demobilized and peace is declared. Whenever he issues his proclamation the first title in the prohibition bill ceases to operate.

Mr. UNDERWOOD. Surely.

Mr. NELSON. It is left in the hands of the President.

Mr. UNDERWOOD. Oh, no.

Mr. NELSON. Yes, sir.

Mr. UNDERWOOD. Not if this bill passes.

Mr. NELSON. Oh, yes; it is left in his hands, as far as national prohibition is concerned.

Mr. UNDERWOOD. The Senator is mistaken.

Mr. STERLING. Mr. President, I call the Senator's attention to the very provision of the bill on that point. This is simply an enforcement measure, pure and simple, an enforcement of the law as it now stands on the statute books. The bill reads:

The term "war-prohibition act" used in this act shall mean the provisions of any act or acts prohibiting the sale and manufacture of intoxicating liquors until the conclusion of the present war and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States.

Title I of this act pertains to war-time prohibition. War-time prohibition will cease when there is a termination of demobilization and a declaration of peace.

Mr. UNDERWOOD. Will the Senator tell me, with war-time prohibition already on the statute books, what was his purpose in reengaging in the enterprise of passing another war-time prohibition act? If that is all he had in mind, and that is all this bill has in view, what was his purpose?

Mr. STERLING. Mr. President, the best answer to the Senator from Alabama is the letter of the Attorney General himself, complaining of the fact that with no definition at all of intoxicating liquors in the war-prohibition act, and with no suitable means for the enforcement of that act, it was necessary to pass this law. He made a very strong appeal that Congress pass this war-prohibition act, or the part of the bill relating to war-time prohibition.

Mr. UNDERWOOD. Mr. President, the Senator may think that is the purpose of this act, but I do not. In the first place, the Attorney General of the United States has several times recently announced to the people that he intended to enforce the war-time prohibition act; and, more than that, he is enforcing the war-time prohibition act without this law going on the statute books.

Of course, I realize that demobilization is here; but the end of war can not come until the Senate ratifies the treaty of peace; and I suppose that is far distant.

I merely make this statement, Mr. President, to make my position clear in reference to the matter. I think, although war is technically the status of the country, although war legislation is still on the statute books and enforceable, actually the war is over. The purpose of this legislation was to protect the soldier until he was demobilized, and the soldier is now demobilized. There are no great camps to be protected now; there is no great fighting force to be protected any more than in times of peace, and I think the good faith of the transaction should be carried out.

Mr. CALDER. Mr. President—

Mr. UNDERWOOD. If the Senator will allow me, I will yield in a moment.

The good faith of the transaction should be carried out, and at least what is left of the year that these men were told that they could have, in which to wind up their business, be given to them.

The President is right. He is standing on sound ground. If the advocates of prohibition were right when they put in this bill a provision that it should not take effect until one year after its enactment, then the President of the United States is right in saying that the bill for the enforcement of constitutional prohibition shall not contain a clause in favor of war-time prohibition. I do not think there is any doubt about that.

Of course, I realize what the Senate is going to do. The Senate of the United States is not going to defy the organized prohibition sentiment of the country. And I say "organized"

because I think, so far as the rank and file of the people of the United States who believe in prohibition are concerned, they are honest men and believe in what is right and just, and I do not believe the rank and file would object to carrying out the prohibition amendment in good faith. But organized prohibition sentiment will not consent, and I know what the Senate is going to do when it comes to a vote. It is going to override the President's veto, of course, and pass the bill and take chances on the Supreme Court holding the law unconstitutional, whereas they could eliminate this feature, pass constitutional prohibition in three days without objection from anybody, and be positive that the bill was constitutional.

Mr. President, I did not get up here to discuss prohibition, but to say that I am opposed to putting anything in front of the treaty. Prohibition is a great question, a moral issue; but the issue of peace and war for the people of the United States overcaps all. The reason why there is riot and bloodshed in Europe, why people are starving, why government is disorganized, is because there is no peace. The reason why a soviet government is threatened in the United States and the American people stand in danger of labor riots that will stop industry and freeze the people of the North to death within the weeks to come is because there is no peace in the land.

The veto message of the President can be passed on next week or it can be settled next month without harm to anyone. The question of the treaty of peace has been debated before the Senate of the United States since last January, long before it ever came to this Chamber. It has been in almost continuous debate ever since. Senators may refer to how long some other treaty was before the Senate; yes, how long some other treaty was before the Senate in secret session, consuming an hour or two a day, and the affairs and business of the country running on; but, when you come to the hours that have been consumed, this treaty has long since passed the day of reasonable consideration and is not only trenching on the time of the Senate and stopping very vital legislation but is trenching on the patience of the American people.

There is no justification, to my mind, for one more hour of delay in this matter. Last night many of us were prepared to vote. A quorum of the Senate was present, the clock had not reached the hour of 6, but the chairman of the Foreign Relations Committee recessed the Senate instead of allowing us to cast a vote and make one small step more toward the final conclusion of the consideration of the treaty.

I do not criticize men who differ with me on principle. A Senator in this Chamber who believes the treaty should be rejected is just as much entitled to his views as I am, who believe the treaty should be ratified without amendment. I have no criticism whatever for the Senator who differs with me on principle, but I think I am justified in criticizing the Senate for this inordinate and unnecessary delay.

There is no occasion whatever to vote in a day or in an hour on this prohibition bill. I suppose every man in the Senate knows now that the President's veto is going to be overridden. Every man in the Senate knows that if the veto were not overridden the Senate and the House would promptly pass a law enacting constitutional prohibition and a law that would enforce national constitutional prohibition. So there is no issue of that kind at stake. Of course when nation-wide prohibition and the issue of the President's veto on a question of this kind comes before the Senate it provokes discussion, and discussion brings delay. This matter can be disposed of just as well when the treaty of peace is disposed of as it can now; and I stand here not to resist the prompt disposition of the prohibition bill when the time comes, not to resist any law that will enforce constitutional prohibition, but I think the people of the country should realize who is causing the delay in the ratification of the peace treaty and why we can not get action. If we are going to reject the treaty of peace, we had better reject it to-morrow than next week. If we are going to ratify it, we had better ratify it to-morrow than next month. This debate does not produce anything. It does not change a vote. There is not a Senator who sits on this floor who can not take any pending amendment and a roll call, and call out now how each vote is going to be cast that will take effect a week from now, and he will not miss more than one or two votes.

Mr. BORAH. And those one or two votes might settle the question.

Mr. UNDERWOOD. I do not think so; but if it did, why not have them and let it be settled? Yesterday Senators who are in favor of action, and at the same time favor the ratification of the treaty of peace without amendment, promptly voted when they were largely at a disadvantage by reason of the absence of some Senators. I tell you those who are standing for delay because they want to take advantage of some opportunity to

carry out their will in the matter, whether they have a regularly recorded majority in the Senate or not, will never justify themselves before the American people.

What the Senate of the United States ought to do, if it proposes to sustain its place as a great legislative body, is to agree on a time for voting, fix a definite day, as we do on other matters, when these amendments shall be voted on. Give everybody notice; do not try to accomplish a result by sleight-of-hand tricks; but if you have the strength, win on your strength, and if you have not the strength to win, take your defeat like men. That is the only position to take before the country. If the Senate would fix a date within a reasonable time to vote, after the unending debate that we have already had, and let us vote this matter out, no matter where it falls, but let the Senate express its honest convictions on the question, it would not be necessary for the Senator from South Dakota to try to inject his motion ahead of the determination of the great treaty of peace.

Mr. OWEN. Mr. President—

Mr. UNDERWOOD. I yield to the Senator from Oklahoma.

Mr. OWEN. I merely want to call attention of the Senator from Alabama to the interesting fact that the Senate can not act, because the Senate does not control its own affairs under its own rules.

Mr. UNDERWOOD. Undoubtedly. I agree with the Senator. At the last session of the Senate I proposed, and attempted to have passed, a rule that would have produced the closing of debate—a cloture rule in the Senate. Unfortunately, a majority of the Senate would not stand for cloture; but I am satisfied that the day is not far distant when the Senate must make rules to govern this body where we shall have orderly procedure, and an honest cloture rule, where a majority of the Senate can control the business of the country, or the people of the United States will show their contempt and condemnation of a body that can not control and transact its own business.

Mr. STERLING. Mr. President, I did not expect to discuss this matter at all, and I shall be very brief now in the statement I make.

But first I am much surprised at the position taken by the Senator from Alabama [Mr. UNDERWOOD], especially in what he says relative to the motives of those who desire, at the present time, action on this bill. With the very prompt and decisive and significant proceedings on the part of the House last evening, within so short a time after the receipt of the President's veto message, I do not see how the Senator from Alabama can complain because action is now sought upon the bill by the Senate.

Mr. President, the Senator from Alabama can not charge the Senator who, perhaps unfortunately, happens to be in charge of the bill at the present time, with any intention whatever of delaying proceedings or debate upon the peace treaty. He can not infer that from any remarks I have made, from any motion I have made, or from any proceedings in which I have participated.

Mr. UNDERWOOD. The Senator from South Dakota is making a case and putting himself up to shoot at himself. I never said anything about the Senator from South Dakota. I spoke about the procedure in this Chamber, not entirely on one side or on the other, but in this Chamber, to delay action on the treaty; and it is here, and the Senator from South Dakota can not deny it.

Mr. STERLING. Mr. President, coming over from the House as this bill did this morning, with a message from the House, it was but the natural thing, it was the thing to be expected, that it should be presented promptly here before the Senate as in legislative session, and thus acting, I have submitted the motion.

Mr. KING. Mr. President—

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Utah?

Mr. STERLING. Certainly.

Mr. KING. Does not the Senator think it would have been at least an act of courtesy, and would have been in accordance with the proprieties and customs of legislative bodies, when a veto message came from the President on a measure of this magnitude, to have the bill referred back to the committee for consideration of the veto message and the reasons assigned by the Executive for the veto of the bill?

Mr. STERLING. Mr. President, I do not think such a procedure would be in accordance with any custom ever recognized or established in the Senate at all. I think the procedure is to take action upon the bill as it is reported to the Senate from the House, the bill having originated in the House and the House having passed the bill over the President's veto.

Mr. President, to refer briefly to the merits of the question as discussed by the Senator from Alabama, the war-time prohibition act was passed November 21, 1918, and it received the approval of the President of the United States 10 days after the armistice was signed. It is true that the President subsequently recommended the repeal of the law, some two or three months ago, if I remember correctly. The Congress did not see fit to act upon the President's recommendation, and the silence of Congress and the failure of Congress to respond to the recommendation of the President, I am satisfied, met with the approval of the people of the United States, and no act or failure to act on the part of the Senate or the Congress of the United States has met with greater approval than the refusal to comply with the request of the President of the United States to repeal the war prohibition act.

Mr. JONES of Washington. Mr. President—

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Washington?

Mr. STERLING. Certainly.

Mr. JONES of Washington. I want to remind the Senator that each branch of Congress has voted definitely on a proposition to repeal that law and voted the proposition down by a large majority.

Mr. STERLING. Yes. I am glad the Senator calls my attention to that fact. I had for the moment overlooked it.

What is the situation, Mr. President? There is the law. It does not contain provisions for its proper enforcement, and title I of the prohibition act is for the simple purpose of giving to the law provisions for its effective enforcement. I call attention to the letter of the Attorney General of the United States in regard to this. He says, referring to the pending bill:

I do not think the wisdom of such action on the part of Congress admits of doubt. It goes without saying, I think, that if a law merely prohibits intoxicating liquors and leaves to the jury in each case, from the evidence produced, to determine whether the liquor in question is, in fact, intoxicating or not, its efficient and uniform administration will be impossible.

But in the absence of a definition by Congress there will be innumerable beverages as to which the claim will be made that they do not contain enough alcohol to render them intoxicating. These contentions will produce endless confusion and uncertainty.

These, I think are substantially the reasons why Congress should itself provide a definition.

Title I of the prohibition law gives that definition, and it also provides some additional remedies for the enforcement of the law as it has stood since November 21, 1918.

Mr. President, there is an urgent reason for prompt action on this bill as disclosed in the opinion of the Attorney General and as disclosed by what we read concerning the difficulty in conducting prosecutions for violation of the law. I ask for a vote.

Mr. SHEPPARD. Mr. President, I shall address the Senate briefly. I desire to resent the charge on the part of the Senator from Alabama [Mr. UNDERWOOD] that faith has been broken in the matter of the constitutional prohibition amendment. The one-year clause was connected with that amendment as a matter of grace and not of obligation in any sense, and I defy anyone to demonstrate that the inclusion of the one-year clause morally precluded Congress from enacting an emergency prohibition measure to meet a very evident crisis, a crisis partly illustrated by the disturbances growing out of the unrest incident to the closing days of the war.

The Senator from Alabama speaks of abstract justice. When did the saloon ever do justice to anybody, abstract or otherwise? Property rights! The Supreme Court has held on a number of occasions that there is no such thing as a property right in intoxicating liquor.

Furthermore, Mr. President, the sustaining of the President's veto would not accomplish anything; it would not even enable the Senator from Alabama to help the prohibitionists keep what he calls good faith in this matter. It could not repeal the war-time prohibition act. The war-time prohibition act remains in full force and operation. The only question before us is the question of its effective enforcement. The mock heroics of the Senator from Alabama are impressive from the dramatic standpoint only. There was never a time when prohibition was more imperatively needed than in this hour of general unrest and economic confusion.

Mr. BORAH. Mr. President, I should like to ask the Senator from Texas a question. Does he understand that the war-time prohibition act ends when the President issues his proclamation to the effect that demobilization has taken place?

Mr. SHEPPARD. I do not, unless he proclaims demobilization after the ratification of the peace treaty.



Mr. BORAH. The Senator from South Dakota I understood to take the position that when the President issued a proclamation to the effect that demobilization had taken place and peace was restored the war-time prohibition would end.

Mr. SHEPPARD. I do not so understand, unless, of course, the peace treaty had been actually ratified.

Mr. STERLING. No, Mr. President; the Senator from Idaho misunderstood me. I do not understand that the completion of demobilization would repeal the law, for it is to remain in effect until the end of the war.

Let me call the attention of the Senator to the statute:

That after June 30, 1919, until the conclusion of the present war and thereafter until the termination of demobilization—

"Thereafter until the termination of demobilization."

Mr. BORAH. The President has the power, then, to suspend the operation of the law by a proclamation?

Mr. STERLING. No; I think not.

Mr. BORAH. Then we are up against a proposition—

Mr. STERLING. There must be the conclusion of the war; and that, of course, is evidenced, I presume, by a proclamation.

Mr. NELSON. I should like to have the Senator from South Dakota read further from the paragraph of the law from which he has quoted. I think it will show that demobilization must be followed by a proclamation of the President.

Mr. STERLING. Very well. It reads:

That after June 30, 1919, until the conclusion of the present war and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States—

Mr. BORAH. Is that a complete sentence?

Mr. STERLING. It is not a complete sentence; it goes on:

no beer, wine, or other intoxicating malt or vinous liquor shall be sold for beverage purposes except for export.

Mr. THOMAS. Mr. President, I am unable to appreciate the existence of any emergency justifying our temporary abandonment of the consideration of the pending treaty for the purpose of overriding the President's veto of the prohibition bill. The situation does not affect the operation of existing law upon the subject. The war-time prohibition law is in full force and effect, subject, of course, to occasional violations, some committed with impunity. I fully agree with the Senator from Alabama that this treaty should be disposed of; we should either ratify it or reject it.

It may be that, with the exception of one or two phases of the treaty, something new can be said upon it, but I have listened to the greater number of discussions presented upon the floor both in favor of and in opposition to it, and I long ago came to the conclusion that argument and ingenuity had exhausted themselves, since which time we have been occupied in their reconsideration and repetition.

I do not think the present unrest is even in part due to the pendency of the treaty before this body. I am unable to accept the view that the failure to ratify or reject the document has produced or aggravated these unfortunate conditions or that final action will operate to assuage them, for their causes and the far-reaching character of the elements underlying these unfortunate conditions are too deep-seated. They have been too long gathering force and volume to rest upon legislative action or the lack of it. I do believe, however, that the ultimate disposition of the treaty will enable us and enable the world—because our ills are not peculiar to the United States—to readjust conditions and sooner recover from the shell shock of the war. Hence I am unwilling, except in matters of great emergency—and there are several of them—to suspend the consideration of the treaty until we have done with it.

The treaty was submitted to the consideration of the Senate by the President on the 10th day of July. For something like two months it was in the hands of the Committee on Foreign Relations. That, however, did not suspend its consideration here, for over two-thirds of our time was occupied in its discussion during that period. Since the committee reported it has reconvened on many occasions and has considered other amendments and other reservations, some of which it has added to its original report; others, I suppose, have been rejected; and the end is not yet. We have had two or three record votes upon two or three amendments only, and all the reservations are still before us, to say nothing of a number of independent amendments, notice of which has been given, and which we may expect to encounter.

If we compare that which we have accomplished so far with what we evidently have to do in the future regarding it, and make calculation of the time that is past with the time that may hereafter be consumed in its consideration, making no greater progress, we may possibly reach a final vote on the treaty by the 1st day of April next. I do not for a moment assume that such will

be the case, but I am convinced that if we set aside the treaty every time some matter of apparent immediate concern presents itself for consideration, the time yet to be consumed in its consideration will carry us into the holidays without final action.

I am prepared to vote to-morrow—to-day, if necessary—both as to all amendments, all reservations, and the final vote upon the treaty.

Mr. FALL. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from New Mexico?

Mr. THOMAS. I do.

Mr. FALL. Would the Senator make a motion to that effect, or make a proposal for unanimous consent to vote on a certain day fixed, at a certain hour?

Mr. THOMAS. Why, Mr. President, if I were in charge of the treaty, yes; but I am not. Moreover, the Senator knows that I am not in full sympathy with those supporting the treaty. I should be very happy, however, to support such a motion if the Senator from Nebraska sees fit at any time to submit it to the consideration of the session.

Mr. FALL. Mr. President, I may say to the Senator that I am in exactly the same position that he is, but that unless a motion or a proposition of this character is made at a very early moment, I shall test the temper of the Senate upon the subject myself.

Mr. THOMAS. Mr. President, the Senator's last remark illustrates the old adage that great minds agree. We are together upon that subject. The sooner we can get action, the better it will suit me.

Now, a word as to the bill recently vetoed.

The Senator from Texas says that at the time of the adoption of the resolution which crystallized into a constitutional amendment there was no understanding, express or implied, that nothing should be done meanwhile affecting the liquor traffic; and I have no doubt the Senator has stated what is in his own mind, as well as that of multitudes of the people of the United States, including many Senators. At the same time, I am satisfied that others like myself assumed the existence or implication of such an understanding, because that method of legislation has characterized all constitutional amendments regarding prohibition in the various States, so far as I remember; and the purpose was obvious.

It may be true that the Supreme Court has determined that there is no property in intoxicants. It may also be true that saloonkeepers never kept faith with anyone. I am not here either to defend or to attack them. Moreover, that consideration is beside the question. Yet organized society in the United States has for years regarded the manufacture of intoxicants and their possession as legitimate, as property; and millions of dollars have been invested, on the strength of our laws, in the manufacture of liquor and the dispensation of intoxicating drinks. The moral sentiment of the world is against it, and ought to be; but I contend that the plainest principles of abstract justice protest against confiscation, regardless of the character of the property which is the subject of it. The idea is abhorrent to American law, and should be to American practice. The injustice of such a course lies at the basis of those State constitutional amendments, which were adopted, to operate in futuro, thus giving opportunity in the interval to those who had invested their money to make some disposition of their goods and save something from the wreckage of their fortunes.

I therefore considered that there was an implication of a suspension of all national interim legislation upon the subject, and for that reason, among others, I voted against the war-time prohibition bill. I also voted against it because, presented at a time when the Government needed money as it never did, the effect of the law was to deplete our estimated annual revenues by no less than \$700,000,000 or \$750,000,000.

Mr. SHEPPARD. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Texas?

Mr. THOMAS. I do.

Mr. SHEPPARD. May I remind the Senator of the fact that the war-time prohibition act did not become effective for nine months after it became a law, and that at once afforded a great opportunity to these people to dispose of their holdings?

Mr. THOMAS. Yes; and that very fact demonstrated the lack of need for such legislation, because it could be justified as a war measure only because the need for it was insistent. Notwithstanding that fact, the Congress of the United States, in the exercise of its war powers, enacted it as a war measure yet provided that it should not take effect for nine months thereafter.

Mr. STERLING. Mr. President—

The PRESIDENT pro tempore: Does the Senator from Colorado yield to the Senator from South Dakota?

Mr. THOMAS. Yes; I yield.

Mr. STERLING. I do not know whether or not the Senator from Colorado is aware of the lapse of time; but I wonder if he would not be willing that we shall vote on this matter before 1 o'clock, since the Senate is to take a recess at that time?

Mr. THOMAS. Mr. President, ordinarily I would do anything in the world to accommodate my well-beloved friend, the Senator from South Dakota, and I will get through just as soon as I can; but really I do not believe that this matter is so urgent as to require a vote before we receive his Majesty, the King of the Belgians and his good queen. Moreover, it might be a shock to the Senate so suddenly to pass upon and dispose of a debatable measure. That I wish to avoid.

It is quite true, as the Senator from Texas suggests, that the leeway of several months time, given by this exigent war measure, enabled those affected by the legislation to get rid of a great part of their stock; yet we know that the time was not sufficient for that purpose. Perhaps the time fixed by the amendment would not have been sufficient, but that carried its own requirements.

Mr. SHEPPARD. The right of export exists to-day.

Mr. THOMAS. Oh, yes; the right of export exists to-day. We can not drink ourselves, but under this bill we are at perfect liberty to sell our liquor to the world. That is another peculiar thing about this law that I have never been able to justify, because if whisky is not good for me it is not good for my neighbor. If my moral, mental, and physical well-being require me to abstain from intoxicants, then the golden rule and my duty to my neighbor require that the privilege of selling to him what is poison to me, and putting his good money into my pocket while degrading and demoralizing him, should be denied me. The Senator is correct. We can still do that, and I think we are doing it. Indeed, I have been told that the entire wine product of California for the last year has been sold to Japan. Perhaps to that is due some of Japan's diplomacy recently, and about which we have heard some criticism upon this floor.

Mr. President, where is the necessity for immediate and arbitrary action upon the President's veto? Will more liquor be sold if the President's veto should not be acted upon for the next two weeks than will be sold otherwise? Is there any relaxation of the enforcement of the war-time prohibitory law? I can perceive how, in one sense, immediate action is necessary. For example, I am in receipt of a great many requests from mighty good Democrats in the State of Colorado, requesting employment by the Government as soon as possible for the enforcement of the prohibition law. They are all such good men that I am embarrassed in making a suggestion concerning them to the appointing power. My brethren on both sides of the Chamber doubtless share in that embarrassment in some degree, not excepting my genial friend the Senator from Texas. To them the postponement of final consideration will be a sad disappointment, and the labors of our stenographers will be enlarged and extended in consequence; but we are used to that. Some of us are so fond of it that we want to see the civil-service law modified, myself among the number.

I think, Mr. President, the Attorney General proposes to go right ahead; and the staff of assistants which he has in every State of the Union will not be discouraged nor their energy in any way affected by giving us an opportunity calmly, deliberately, dispassionately, and in the usual senatorial way, to investigate the merits of the President's veto message and to convince ourselves of its virtue, as so many friends of mine are convinced of the virtue of his appeals for the league of nations.

Frankly, Mr. President, I do not believe that it is fair—and I say this without intending any criticism of the House of Representatives—to act so precipitately upon an important state paper emanating from the President of the United States. I do not believe the President has vetoed this bill for any petulant reason, for any other than the desire to discharge the high duties of his office in full accordance with his understanding of what those duties are. I do not believe that he has interposed his veto without fullest consideration of the measure, and without its consideration as well by the law adviser of the Government. I read it twice, and I was pleased to note that in some respects it ran along the lines of my discussion of the measure at the time the prohibition law was before the Senate for consideration.

I have had some doubts about the constitutionality of the war prohibition law, some very serious doubts. The Constitution, Mr. President, is not the obstacle to legislation that it once was. Some of us are disposed not only toward its liberal

construction, but toward a construction that can not be reconciled with its phraseology. But the courts proceed in far different lines.

I notice by the morning press that one of the Federal courts—the district court for the State of Kentucky—yesterday, or the day before, after full consideration, adjudged the law to be unconstitutional, and that the case will be expedited as speedily as possible, so that the Supreme Court of the United States may pass upon it without unnecessary delay. I should like to read that opinion, Mr. President, before casting my vote upon this veto. It may be convincing to me, perhaps more convincing to me than to the enthusiastic advocates of the bill just vetoed. But the fact is that for the first time, I think—I may be mistaken—the constitutionality of the act has been challenged and carried to the point of a judicial decision, and that decision has been adverse. Hence there can be such a thing as an unconstitutional legal enactment concerning prohibition.

I know, of course, as the Senator from Alabama well said, that when this veto message does come before the Senate it will be as speedily overthrown as it was in the House, and that in obedience to the organized prohibition sentiment of the United States. I am not complaining of it. It may be the best way to dispose of it. It certainly will have the merit of decision. But I do not believe that we should interrupt our consideration of the treaty unless and until something of vastly more immediate importance shall be brought to our attention.

A few mornings ago I introduced a resolution pledging the support of Congress to the executive authorities of the Nation and of the States in such measures as they might invoke or be required to take for the establishment and continuation of law and order and the protection of the rights of the individual, in view of the impending coal strike. I regard that, Mr. President, as a subject of transcendent importance. The prospect involved in that strike is appalling in many of its aspects, and particularly in the suffering and want that must come to the doors of many an American family throughout this country. I felt, Mr. President, and I still feel, that a unanimous expression from the Congress of the United States in support of the authorities of the country at this juncture would, in its moral effect, be of incalculable value at a time of crisis like this. I was unable to obtain unanimous consent for its consideration. I shall attempt it to-morrow morning; and I do not think there is a man or a woman within the sound of my voice who will not say that as between these two subjects, the one involved in my resolution and that we are now discussing—

Mr. CURTIS. Mr. President, I will say to the Senator from Colorado that guests have been invited to the Senate Chamber, and I suggest that he yield that I may submit a motion for a recess, the Senator not losing his right to the floor.

Mr. THOMAS. Certainly; I yield for that purpose.

RECESS.

Mr. CURTIS (at 12 o'clock and 50 minutes p. m.). I move that the Senate take a recess until 2 o'clock p. m.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECEPTION TO THE KING OF THE BELGIANS.

At 12 o'clock and 55 minutes p. m. the Assistant Doorkeeper announced the Chief Justice and Associate Justices of the Supreme Court of the United States, who were escorted to the seats provided for them in the area in front of the Secretary's desk.

At 1 o'clock p. m. the Sergeant at Arms announced the committee of Senators escorting the King of the Belgians, the Crown Prince and the King's suite.

King Albert was seated on the right of the Vice President's chair and the Crown Prince to the right of the King, and the King's suite occupied the seats reserved for them.

ADDRESS BY PRESIDENT PRO TEMPORE CUMMINS.

The PRESIDENT pro tempore. Senators, in my time I have performed the service I am about to render for all sorts and conditions of men; for men of high and low degree; for men of fame and men obscure; for men who lead and men who follow; for men who command and men who obey; but never in all my life have I undertaken the task with keener pleasure or deeper appreciation than I experience at this moment.

Fortunately for civilization, strong characters have played their parts, and played them well, in every age. To be great, however, strength must be united with the opportunity to do some vital thing for humanity; and the strong character must be associated with some mighty event in the affairs of the world. Sometimes it has happened that when strength of character and opportunity combine, the man and the people he represents have risen to the full measure of the duty imposed;



and then that man wins, for all the years to come, a leadership in human concerns from which nothing can dethrone him; and that people awaken and hold a gratitude which passes unimpaired to the remotest generations. It is because our noble and distinguished guest is one of those men and his people one of those nations that I count the privilege which has fallen upon the Senate as one of the highest honor and the most enduring memory. [Applause.]

We are living now in a world well-nigh wrecked by the wicked ambitions of one great power; and many hard and weary years must go by before either Europe or America will be peaceful, quiet, or content. If nothing had been destroyed save physical creations or commercial structures, the labor of restoration would involve the sustained energy of decades of limitless patience and self-denial; but our loss is infinitely greater than is felt in the destruction of these material things. The war has unsettled our accepted faith in the forms of organized society, in the relations which its members should bear to each other, and in the instrumentalities through which justice, happiness, and growth can best be attained. The war may be ended, so far as the armies of Germany are concerned, but the struggle with the forces loosened in the terrific conflict has just begun.

I have mentioned this phase of a world-wide subject, not to diminish the value and the glory of winning the war, but to fortify the resolution of the good citizens of every nation of the earth, urging them to grapple with these problems with the same intensity of purpose, the same calm courage, the same unselfish spirit with which Belgium met the advancing hosts of Germany as they marched toward the conquest of the world. [Applause.]

In this presence my mind is driven irresistibly to one question: No matter how difficult the work of reconstruction and readjustment may be, no matter how long successful accomplishment may require, what if Germany had won? What if she had been allowed to pass, unchecked, through Belgium to an unprepared France and on to Britain, unready for war? Chaotic as the situation everywhere is, we cherish the hope that under free institutions the salvation of mankind is as certain as the lapse of time. But what if Germany had crushed Europe with an iron hand, subordinated Asia to her will, and then turned her power toward America? I do not know, no mortal can know, whether her far-reaching designs could, under any circumstances, have been carried into execution; but this we do know, that one country, small in territory, weak—comparatively—in military strength, but incomparable in loyalty to a Christian civilization and human liberty, unsurpassed in bravery, inspired by the loftiest ideals, stood in the path of this oncoming monster and, in supreme sacrifice, saved the world for freedom. [Applause.] When the sons and daughters of our race, now or hereafter, forget this sacrifice or fail to remember it with reverence and gratitude, the world which Belgium saved will be unworthy of its deliverance. [Applause.]

Of all the heroic tales of the fourteenth century there is no one which so tugs at the heartstrings as the immolation of Arnold Winkelreid, the Swiss patriot, upon the Austrian spears. The poet has engraved it imperishably in the annals of patriotism:

"Make way for liberty!" he cried;  
Made way for liberty, and died.

Individual sacrifice, happily, adorns every page of history, but it remains for the immortal Belgians and their beloved King to record an instance in which national altruism rose to the heights of personal devotion. [Applause.] When Belgium bared her bosom to the German arms, daring death itself that liberty might live, she earned the undying affection of the people of the United States; and it is the earnest prayer of every American heart that during all the years to come our country will lose no opportunity to prove her everlasting gratitude.

Of all the men of Europe, Asia, Africa, or the islands of the seas there lives no man more heartily welcome to the Senate of the United States than the man who sits at my side. [Applause.]

Senators, I present to you our friend, our defender, and our ally, Albert, King of the Belgians. [Prolonged applause.]

ADDRESS BY HIS MAJESTY THE KING OF THE BELGIANS.

KING ALBERT. Mr. President and gentlemen of the Senate, it is indeed a great honor for me to address this illustrious assembly.

I salute not only the eminent men who receive me here to-day, but I salute the memory of your great predecessors who, during 130 years, have sat in this place and given to the whole world the example of the highest civic virtues.

From the bottom of my heart I thank your President for the beautiful and far too laudatory words that he has addressed to me. It has been a great pleasure for us to be in America, and our one regret is, and it is a deep regret, that your illustrious President is ill. We express the earnest wish that he may soon be restored to full health and vigor.

This welcome of the Senate seals that reception, so warm and so spontaneous, which I have received everywhere during my journey across this magnificent country.

I am deeply moved by the expressions of sympathy that the name of Belgium evokes from this noble American people.

Nothing could better characterize the reign of universal democracy than that friendship which unites the great Republic, with its 110,000,000 citizens, and the realm of which I am the constitutional head, with its seven million and a half inhabitants.

If there is not equality of power and riches between them, there is equality in the love of liberty and in aspiration toward social progress. [Applause.]

On both sides of the Atlantic the same ideal inspires us. The exchange of ideas, the commercial relations, the visits to Belgium of eminent American citizens, of whom many sit in this assembly, are so many means of tightening the bonds between the two nations.

I hope with all my heart that these relations, which go back as far as memory, which have been fortified during the war as well as by the admirable assistance which you rendered Belgium by feeding her people and by the fraternity in arms, will never cease to develop for the great good of our two peoples. [Applause.]

The PRESIDENT pro tempore. The King will be glad to meet the Senators personally. The Chair asks that at the conclusion of this short ceremony Senators will resume their places until His Majesty and his suite and the invited guests shall leave the Chamber. The Chair asks the senior Senator from Massachusetts [Mr. LODGE] to present the Members of the Senate to His Majesty.

His Majesty Albert, King of the Belgians, and the Crown Prince took their places at the left of the Vice President's desk, and the Members of the Senate were presented to them by Mr. LODGE.

On the conclusion of the ceremonies, the King and his suite were escorted from the Chamber, and the invited guests of the Senate withdrew.

The Senate reassembled at 2 o'clock p. m. on the expiration of the recess.

#### CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hale	McCormick	Simmons
Bankhead	Harding	McKellar	Smith, Ariz.
Borah	Harris	McLean	Smith, Md.
Brandegee	Harrison	McNary	Smoot
Calder	Henderson	Moses	Spencer
Capper	Hitchcock	Nelson	Sterling
Chamberlain	Johnson, Calif.	New	Sutherland
Colt	Jones, N. Mex.	Newberry	Swanson
Cummins	Jones, Wash.	Nugent	Thomas
Curtis	Kellogg	Overman	Townsend
Dial	Kendrick	Page	Trammell
Dillingham	Kenyon	Penrose	Underwood
Edge	Keyes	Phipps	Wadsworth
Fletcher	King	Poinexter	Walsb. Mass.
France	Kirby	Pomerene	Walsh, Mont.
Frelinghuysen	Knox	Ransdell	Warren
Gay	La Follette	Robinson	Watson
Gerry	Lenroot	Sheppard	Williams
Gronna	Lodge	Shields	Wolcott

The PRESIDENT pro tempore. Seventy-six Senators have answered to their names. A quorum is present.

#### NATIONAL PROHIBITION—VETO MESSAGE.

Mr. ROBINSON. Mr. President, I rise for the purpose of opposing the motion made by the Senator from South Dakota [Mr. STERLING] to return to legislative session, and desire briefly to state some of the reasons which impel me to pursue that course.

The avowed purpose of the Senator from South Dakota in making the motion is that the Senate may proceed to consideration of the veto message sent to the House of Representatives yesterday by the President respecting the so-called war-time prohibition bill. If the motion prevails, it means that the treaty of peace will be displaced and discussion of the subject of prohibition will be begun. I believe that the country regards the final disposition of the treaty of peace as the most important action which the Senate can take, and I believe that the

people of the United States feel that the Senate should proceed as rapidly as practicable to a conclusion concerning the matter, without regard to whether they favor the treaty or favor its rejection. Let us inquire whether substituting in the Senate a discussion on prohibition for a discussion of the treaty of peace will accomplish any substantial benefit to the country.

Constitutional prohibition, prohibition which everyone admits will be legal, will go into effect January 1 next. If we proceed, as has been suggested by the Senator from South Dakota, to displace the treaty of peace with the veto message, those who are opposed to a prompt determination of the treaty and questions relating to it will find the subject of prohibition an easy means of prolonging discussion and of deferring final action on the treaty.

I do not know, nor do I think any Senator can tell, how long a discussion of this very interesting subject of prohibition will last, in view of the profound interest in that subject of a number of Senators, including perhaps my friend the Senator from Idaho [Mr. BOBAH]. If an agreement to vote could now be made and the early disposition of the veto message assured, I would not oppose this motion.

Mr. STERLING. Mr. President, will the Senator yield for a question?

Mr. ROBINSON. I yield to the Senator, of course.

Mr. STERLING. The Senator says he can not tell how long this discussion will last. May I ask the Senator if he participated in the discussion when the bill was before the Senate? There was ample opportunity for a full discussion of the prohibition bill when it was before the Senate. Why should much time be taken now in discussing the merits of the bill?

Mr. ROBINSON. Oh, the Senator will please pardon me from any attempt to explain why Senators may consume a great deal of time in discussing any subject. Nobody but the Almighty could answer that question. Mr. President, day after day we have listened to able Senators repeat over and over arguments that the country is entirely familiar with concerning certain features of the treaty, and I repeat that a Senator who does not want final disposition of the treaty made at an early date may find the all-interesting topic of prohibition an easy means of prolonging the discussion indefinitely.

Mr. LENROOT. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Wisconsin?

Mr. ROBINSON. I have pleasure in yielding to the Senator.

Mr. LENROOT. May I suggest to the Senator from Arkansas that if the motion of the Senator from South Dakota is adopted and we go into legislative session for the purpose of discussing the so-called prohibition bill, and there is protracted debate, a motion could be made at any time to go into executive session, and that motion is not subject to debate.

Mr. ROBINSON. Yes; but I am not in favor of superseding the treaty with a discussion on the subject of prohibition, for, as I was just about to point out, after all, even from the standpoint of those of us who consider ourselves strong prohibitionists, it is not a very important matter to the country. We have in a perfectly legal way provided that prohibition shall go into effect on the 1st of January. We all concede that there is a very grave question as to whether or not, under the existing circumstances, a court will sustain the proposed war-time prohibition act. It has, indeed, been held unconstitutional already by one court. The point I am making—and I shall be very brief in my discussion—the point I am attempting to make is that the Senate ought not to set aside a subject that is of vital interest to the people of the United States and to the people of the earth, a question which ought to be determined one way or the other promptly, whether we shall ratify or reject the pending treaty of peace, and enter into a more or less academic discussion of the subject of prohibition.

Mr. President, the present session of Congress is rapidly drawing to a close. I do not charge any Senator with an intention to filibuster or to prevent a final vote on the treaty of peace during the present session, but I think I am justified, in view of the history of the proceedings in the Senate during the last six months in saying that those who want the treaty acted upon ought not to put it at the mercy of its enemies.

"WHO WON THE WAR?"

Notwithstanding a year has passed since the armistice was signed, in my opinion there is little prospect of formal peace in the immediate or early future.

The war is not over by any means. General and apparently uncontrollable profiteering, widespread discontent, and the threatened closing down of the Nation's industries through general strikes occasion more danger to the country and forecast more suffering and death than resulted from actual hostilities.

In view of the conditions existing among the allied and associated powers, particularly in the United States and Great Britain, the question "Who won the war?" assumes startling significance.

Since the armistice was signed we have been boasting of the victory which we thought the Allies had won, but the valor and success of American, British, French, and Italian troops in the field, in part at least, has been offset by rivalries, jealousies, and divisions in council which may convert military victory into actual defeat.

In view of the comparative conditions in the United States and in Germany we are justified in asking, "Will the net result prove a triumph for the Central Powers?"

Present and prospective conditions make the immediate future for the United States a more critical time than the period of actual fighting. While the Senate wrangles over details concerning the league of nations, while Senators repeat over and over arguments with which the country has become familiar, while we indulge in what we ought to know are vain attempts to change the views of our colleagues, the spirit of unrest and of revolution grows throughout the Nation.

The United States presented the sublimest spectacle in history during the progress of the war. With unparalleled rapidity she organized, trained, and dispatched to the front, in spite of seemingly insuperable difficulties and obstacles, overwhelming military forces, which made the triumph of German arms impossible and which insured speedy victory to the allied cause.

What a striking contrast this country presents in its efforts to return to peace as compared with its attitude exhibited before the armistice!

Make no mistake about it, a nation-wide industrial war threatens the United States. Indeed, the conflict is already in progress. Almost every industry upon which the economic life of America depends is threatened with a general strike. The daily press is filled with accounts of demands and counter demands, with reports of conferences that fail to prove conciliatory. The steel strike, the impending coal strike, the threatened railroad strike are but three of the most important among hundreds of simultaneous evidences of industrial revolution. Gen. Harries, assistant chief of staff to Gen. Pershing, declares that existing disturbances in America are due to the continued circulation of German propaganda.

In a recent interview, which I shall publish in full in connection with my remarks, he said:

German propaganda to-day is as deadly and as freely circulated as at any time before or during the war. It still aims to wreck the foundation of our Government. Its purpose is to erase all laws and order from the face of the country. England already has felt its effects.

I do not myself make that statement. I quote it from a great military authority, who professes to be familiar with conditions as they actually exist. Whether this declaration be correct, we are still nominally at war, while our principal allies have made peace with the Central Empires.

If the industrial warfare now in progress is indefinitely continued Germany will not find it necessary to resume military activities in order to retaliate against this Government for the part we took in the war against her. She will not need to attack us from the outside, for she can undoubtedly accomplish more harm to our people and their institutions by fomenting internal disorders. Control of labor organizations has passed, or is passing, to radicals. Former conservative leaders seem to be joining in the hue and cry in order to retain some semblance of their former power or to restore themselves to favor. Profiteers complacently continue the exploitation of the public, while labor threatens to paralyze economic conditions.

Meantime what are the conditions in Germany? If press reports are to be believed she is taking advantage of the chaos prevailing the allied countries. Her industries are successfully operated and are growing stronger every day. Her workingmen are voluntarily performing two hours per day more work than is required, while American coal miners are insisting upon a five-day week and a six-hour day. In spite of the high prices charged for food products in Germany, her people are settling down to the practice of thrift, economy, and good faith in their labors. Many of the leading publicists of France and England declare that within 10 years or less she will be relatively where she was before the war.

In denouncing as unlawful and dangerous to the Nation the threatened coal strike, ordered by the leaders of the miners' union without a vote of the miners themselves and in disregard of the safety of the country, and in declaring the public interest paramount in this controversy the President has earned, and I believe will receive, the support of Congress.

Neither profiteers nor hysterical agitators can overthrow this Government. It is impossible for any influences or all Govern-



ment agencies combined to immediately restore conditions to normal, and our people must recognize this fact and exercise patience. In the meantime let us do our duty. Let us treat bona fide labor disputes in a spirit of fairness and liberality toward labor.

Solutions for labor controversies that do not have their origin in a spirit of disloyalty should be worked out with a generous regard for the rights and interests of the laborer; those which originate in animosity toward our free institutions, controversies which gather their support from enemy influences and which are advanced in the name of revolution, must be fearlessly encountered and combated. This Government, despite its mistakes and in spite of the weaknesses at times displayed by its officers, is greater and more enduring than any external force which can assail it, greater than any internal treason which would seek to undermine it.

While the world waits on the action of the Senate to determine whether or not we shall have peace, while the industries of the United States suffer under the abnormal conditions that exist because of the technical continuance of war, we are now asked to put aside the treaty of peace in order that Senators may have an opportunity of expressing their sentiments on the subject of prohibition.

I think that it is far more important that the Senate should go forward in the discharge of its duty in determining whether we shall ratify or reject the treaty of peace than to engage in any attempt to discuss in an academic way the subject of prohibition.

I do not want further to delay the disposition of this question, and, in so far as I am concerned, I have said all that I desire to say upon the subject. I ask unanimous consent to have printed in the RECORD some interviews, a telegram or two, and two letters which I have recently received relating to profiteering and to industrial conditions, presenting interesting viewpoints.

The PRESIDENT pro tempore. Without objection, the matter referred to will be printed in the RECORD.

The matter referred to is as follows:

**MORE HUN PROPAGANDA—IS CAUSE OF MUCH LABOR UNREST, SAYS GEN. HARRIES.**

CHICAGO, October 22.

Speaking before a gathering of members of the Electric Club at the Elks' Club rooms to-day, Maj. Gen. George H. Harries, assistant chief of staff to Gen. Pershing, indirectly attributed the present labor unrest and other disturbances in America to the continued circulation of German propaganda. He said:

"German propaganda to-day is as deadly and as freely circulated as at any time before or during the war. It still aims to wreck the foundation of our Government. Its purpose is to erase all law and order from the face of the country. England already has felt its effects."

Gen. Harries was the first American officer into Berlin and watched the return of the German troops. He said they were hailed as "conquering heroes."

**PUBLIC IS WEARY OF BEING DAMNED—MUST BE CONSIDERED IN INDUSTRIAL DISPUTES, SAYS KANSAS GOVERNOR.**

CHICAGO, October 23.

Controversies between capital and labor will not be settled in the future without consulting the interests of the factor most vitally affected by their agreements—the public—says Gov. Henry J. Allen, of Kansas. "Employers and employees have got to take a third party, a party bigger than both of them combined, into consideration," said the governor, who arrived in Chicago to-day. "That party is the public."

"The public is not going to act the part of the innocent bystander any more without protest. And the public is beginning to wake up and realize that. That's true, anyway, in the part of the Middle West that I come from. The people are beginning to realize not only their rights but also their responsibilities, and any faction in the industrial and labor conference in Washington whose actions merit the condemnation of the public is going to be sorry for it. There isn't a phrase in our language so out of date as 'the public be damned'."

Gov. Allen came to Chicago at the invitation of Julius Rosenwald to deliver an address at the Blackstone to-night in behalf of the Jewish war relief fund.

PARAGOULD, ARK., October 24, 1919.

HON. JOSEPH T. ROBINSON,  
United States Senate, Washington, D. C.:  
Seems to us Congress should take steps to avert coal strike.  
PARAGOULD CHAMBER OF COMMERCE.

PARAGOULD, ARK., October 24, 1919.

HON. JOSEPH T. ROBINSON,  
United States Senate, Washington, D. C.:  
Please use best efforts to avert coal strike.  
PARAGOULD SCHOOL BOARD.

PINE BLUFF, ARK., October 24, 1919.

SENATOR JOSEPH T. ROBINSON,  
Washington, D. C.:

Large industries and consumers very much disturbed over demands of coal miners. Gas company already announced increase of 25 per cent to industries, which means they will in turn add to their commodities which consumers must purchase, and on whom this burden will finally fall. They can not stand additional burden on already high cost of living. Railroads make showing that means they must have

10 per cent increase in rates to meet increase in price of coal and reduction of hours, which also is dangerous precedent. Our organization hopes you will favor any legislation possible to avoid conceding present demand of miners. We have reached stage where this labor profiteering must cease.

CHAMBER OF COMMERCE,  
E. B. BLOOM, Secretary.

FORT SMITH, ARK., October 25, 1919.

SENATOR ROBINSON, Washington, D. C.

MY DEAR SENATOR: As a private citizen and a union man, I feel the necessity of writing to you again.

Things look dark, indeed, for our country; and labor, it seems to me, not only is bringing about this state of chaos but stands in a fair way of losing rights that are really hers.

I hope you will see, however, that the rank and file of labor are easily satisfied and will follow the side having the most power and the fairest proposition. Our Government is not really in a struggle with the laboring man but with his unprincipled leaders, who are bent on destruction if they can not have their way.

I trust, also, that you will come to understand that autocracy in our industries must be destroyed, and that regardless of whether it is practiced by capital or by labor; for, as a matter of fact, no man has the right to rule over his fellow men except by delegated authority; and this is true industrially as well as politically. Neither money nor "divine right" nor prowess can give such right.

Since there are but two divisions of government, autocratic and democratic, and we have long since renounced political autocracy, it remains for us to renounce industrial autocracy—labor as well as capital.

Unless our Senators and Representatives in Washington formulate some sort of concrete plan to place before the American people, you may find a proposition "well-nigh" too big to handle, should the miners and the railroad workers decide to strike at the same time—or at different times, for that matter.

Now, I conceive all production to be carried on by labor and capital working cooperatively under industrial democracy. Capital is money used in production. All that is due it is a return of a certain portion of the profit from the things produced. The possession of capital gives its owners absolutely no right to control in any way the lives or actions of the workers in production.

I understand the term worker to mean managers and classified employees.

The managing department have a general supervision over the running of the industry, while the classified employees attend directly to production.

No manager, superintendent, or boss should do anything directly affecting the workers without the latter's consent. The classified employees should democratically determine their own working conditions and share with capital in the profits. Hence the shorter the hours of labor, the fewer the days, the less would be the profits. While if two men performed work that one could do, two men instead of one would share in the profits.

This will give labor the proper responsibility.

Now, if workers in each plant made their own rules of work, or rather fixed their own working conditions, democratically and in co-operation with the managers of industry and received a certain portion of the profits, the size of which would be determined by the market value of their product, their own working conditions and their efficiency in production, where would be the need of "one big union," or trades-unions, or collective bargaining?

I am not trying to suggest to you, but my opinion is that Congress herself must "invent" a fair industrial system wherein autocracy by both capital and labor are tabooed, the worker can vote peaceably for what he wishes, but bearing the responsibility himself, and strikes and lockouts are penalized. For autocratic capital means inhuman hours of toil, insanitary working conditions, and ultimately the enslavement of the worker—all to squeeze out profits, which capital gets. While autocratic labor means too few hours of toil, too few days per week of toil, a frightful reduction in production, causing excessively high wages and living expenses, and ultimately the overthrow of free government. We can not, we must not, tolerate either.

I hope to see a letter from you saying our Congressmen are facing the present crisis bravely, and that they are determined to destroy every agency that menaces free government; also that a system of co-operation between labor and capital will be worked out and the "divine" belligerency of these two very necessary elements in production will be forcibly, if not otherwise, wiped off the slate.

Kindly pardon this long letter, but be sure to count me as one standing firmly behind the Government.

Very respectfully, yours,

C. E. STAMPS.

FORT SMITH, ARK., October 22, 1919.

HON. JOE T. ROBINSON,  
Washington, D. C.

MY DEAR SENATOR: I am attaching an editorial cut out of one of our local papers, which covers my sentiments and feelings very nicely. I am not trying to criticize anyone but I am trying to tell you gentlemen of the Congress that if some relief is not afforded soon to the public from the present conditions, which are fast becoming intolerable, all of us, or rather none of us, will have anything left to fuss over. I have been a lifelong Democrat and have never been radical. My territory now is composed of the western part of Arkansas, and never in 15 years of experience as a commercial traveler have I heard such bitter complaints against conditions as to-day by all classes of citizens—business men, farmers, professional, and all classes—and don't know of any better way to express the situation than by saying it is like one sitting on a keg of powder with the fuse burning.

This is the first letter of this nature I have ever written; hope it may be the last. I have always regarded you as a strong man, honest and straightforward and willing at all times to fight for your convictions. This letter would not be complete if I did not say in what regard I held you, and as I am not in politics, never held an office and do not want to, you can best judge what such sentiments may amount to: but for God's sake try and get some of your brother Senators to forget the peace treaty or ratify it and get down to business. Too much politics by "Mr. Lodge & Co." When it is all over fear we won't have any country to bawl about—all gone Red.

Yours, truly,

FRANK CARRICK.

## ITS UP TO YOU.

There are three things that Congress can do at once to safeguard the households of America; to curb the crooks that are plotting against every American pocketbook.

First. The Lever food bill, with a prison penalty for food gamblers, should be extended to operate after peace is signed.

Second. The power of the Sugar Equalization Board should be extended after January 1, 1920.

Third. The scheme to boost the price of coffee, in which the Brazilian Government is the accomplice of food speculators, should be rigorously investigated.

Not one argument has been offered against any of these measures. The Department of Justice promises to cut prices down to normal by jailing profiteers. It pleads with Congress to give it a fair opportunity.

President Wilson asked for legislation against profiteering 10 weeks ago.

One reason that Congress stalls and delays is that the public is doing nothing.

Of course, everyone complains and protests and wonders why, but a 2-cent stamp, an envelope, and a sheet of paper will carry your wishes straight to the men who have the power to help you.

Food speculators, with millions at stake, are not idle—not for a minute.

You, with your earnings and savings at stake—why don't you do something?

Just write, "Dear Senator," or "Dear Congressman. Don't forget us. Guard us against the profiteer by pushing the measures needed to fight the high cost of living. Give us as much protection in peace time as we had in war time."

The appeals of national leaders, of the press, of economists, mean nothing unless you back them up!

Mr. BORAH obtained the floor.

Mr. WARREN. Will the Senator from Idaho yield to me that I may present a conference report?

Mr. BORAH. I yield to the Senator.

Mr. WARREN. I present the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9205) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes. I ask for the adoption of the report.

The PRESIDENT pro tempore. The question is on agreeing to the report.

Mr. STERLING. Mr. President, I shall not object if the motion leads to no debate.

Mr. KING. Mr. President, before consenting, so far as I am concerned, I should like to have the Senator from Wyoming explain what, if any, differences there are between the bill as it passed the Senate and as the conferees now report it.

Mr. WARREN. The reading of the report will develop the differences, and I, of course, will answer any questions after the reading is concluded.

Mr. KING. The Senator is going to ask for the reading of the report?

Mr. WARREN. Yes.

Mr. KING. I have no objection to the reading of the report.

Mr. STERLING. Mr. President, I am compelled to object.

The PRESIDENT pro tempore. The Senator from South Dakota objects, and the report upon objection goes over until to-morrow.

Mr. KING. Mr. President, I rise to a point of order. I desire to inquire whether or not the conference report submitted by the Senator from Wyoming would not be privileged and would not have the right of way over the matter which is now receiving consideration?

The PRESIDENT pro tempore. The report is privileged in so far as its presentation is concerned; it is not privileged so far as its consideration is concerned. It has been presented, and, upon objection, goes over until the following day.

Mr. STERLING. Mr. President, I wish to say to the Senator from Wyoming that I objected because it seems apparent now that there will be discussion if the report is taken up at this time, and there is a pending motion to return to legislative session for the purpose of disposing of the prohibition bill.

Mr. WARREN. I hope the Senator will withhold his objection until I can explain why I wish to call up the conference report at this time. The chairman of the committee on the House side has appointments which will take him out of town, and it is consequently desirable to have prompt action on the report. I hope some time to-day that the report may be taken up and disposed of. Of course it may go over at present under objection; but I shall try to have it taken up at some time this afternoon and secure its consideration.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Nebraska will state his parliamentary inquiry.

Mr. NORRIS. In order to take up the conference report will not the Senate have to go into legislative session?

The PRESIDENT pro tempore. The Chair is of the opinion that the report must be considered in legislative session.

Mr. NORRIS. I object to considering the report except in legislative session.

The PRESIDENT pro tempore. The Chair understands that the question now before the Senate is the motion of the Senator from South Dakota to return to legislative session.

Mr. NORRIS. If that motion is carried, the request of the Senator from Wyoming would be in order.

Mr. STERLING. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Lodge	Simmons
Bankhead	Hale	McCormick	Smith, Ariz.
Borah	Harding	McKellar	Smith, Ga.
Brandegee	Harris	McLean	Smith, Md.
Calder	Harrison	McNary	Smoot
Capper	Henderson	Moses	Spencer
Colt	Hitchcock	Nelson	Sterling
Cummins	Johnson, Calif.	New	Sutherland
Curtis	Jones, N. Mex.	Newberry	Swanson
Dial	Jones, Wash.	Norris	Thomas
Dillingham	Kellogg	Nugent	Townsend
Edge	Kendrick	Overman	Trammell
Fall	Kenyon	Page	Underwood
Fletcher	Keyes	Penrose	Wadsworth
France	King	Phelan	Walsh, Mass.
Frelinghuysen	Kirby	Pomerene	Walsh, Mont.
Gay	Knox	Robinson	Warren
Gerry	La Follette	Sheppard	Watson
Gore	Lenroot	Shields	Wolcott

The PRESIDENT pro tempore. Seventy-six Senators have answered to their names. There is a quorum present.

Mr. BORAH. Mr. President, if this matter is brought to a vote to-day, I shall vote against taking up the war-time prohibition veto. I do so for two reasons. In the first place, owing to the fact that I was occupied with other matters most of the time during the consideration of this bill, I knew little of its contents when it passed the Senate, and I do not know any more yet of its contents; but before I vote to override the veto I want to know concerning one particular proposition, and that is whether or not, in my judgment, the war-time prohibition act is a constitutional act.

The President has stated here in one paragraph a principle with which I am in full accord. He says:

I object to and can not approve that part of this legislation with reference to war-time prohibition. It has to do with the enforcement of an act which was passed by reason of the emergencies of the war and whose objects have been satisfied in the demobilization of the Army and Navy, and whose repeal I have already sought at the hands of Congress.

We passed during the war a great many acts which should have been considered as having served their purpose as soon as the war was over, whether technically the war has been ended or not. There are a number of acts, such as the espionage act and other acts, which I think ought to have been considered as at an end; and I do not want to vote here against a principle which I have maintained with some degree of earnestness ever since the war closed until I know whether or not there is any distinction between the act to which the President refers and the other act which I have been somewhat considering. So until I at least have another day to look into this matter I shall vote against its consideration.

Furthermore, Mr. President, I have no desire to displace the consideration of the treaty. I am perfectly willing, when the debate is over, that the treaty shall be voted upon. I am in no particular haste about concluding the debate, but I am willing to debate that particular subject, because I do not agree with my friends who say that nothing is gained by debate at this time. It is possible that nothing is gained in the Senate by debate; but there is a larger and wider forum in which some of us are interested, because there are a few of us who do not propose to quit this fight when this treaty is voted on. It will continue until the last vestige of the scheme to involve this country in European wars is wiped out, if it is possible to do it, and from this forum we can best advise the people of the United States of its contents. Therefore I am perfectly willing to go ahead with the debate every hour until finally we shall have reached a vote by having exhausted the subject, if that can ever be.

So I have no desire to displace the treaty at all. I am perfectly willing to proceed with it; but the other reason why I vote against it at this time is the reason which I have just stated—because I have not sufficient information to vote intelligently upon the question of overriding the President's veto.

The PRESIDENT pro tempore. The question is upon the motion of the Senator from South Dakota [Mr. STERLING].

Mr. UNDERWOOD. Let us have the yeas and nays.

The yeas and nays were ordered.



Mr. LODGE. Mr. President, this veto and the subject of it will have to be disposed of, and disposed of at once. It seems to me that the quickest way of doing it, now that we have been debating it for a couple of hours, is to vote on it now and get rid of it. The day is broken up. I think if we put it over it will only cause additional delay. It seems to me the best way of expediting the treaty is to take up this veto message and dispose of it. I think it can be disposed of in a very short time.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Utah will state the inquiry.

Mr. KING. An affirmative vote upon the matter just submitted by the Chair would not preclude a discussion of the question upon its merits, would it?

The PRESIDENT pro tempore. The motion of the Senator from South Dakota is that the Senate return to the consideration of legislative business. If the motion prevails, any subject can be considered by the Senate.

Mr. PHELAN. Mr. President, I wish to say briefly that the President in his message to Congress recommended the repeal of the war-time prohibition act. He now states that the conditions which justified Congress in passing the measure have ceased to exist. I simply desire to remind the Senate in a spirit of fair play that the constitutional amendment forbidding the manufacture and use of wines and liquors provided that a year's time should elapse before it became effective, and I should say that the Senate has acted in bad faith, and the House as well, in cutting that time by statutory enactment, and that is the effect of the war-time prohibition act.

If there is any means by which we can give a short time of grace to those who are interested in this industry, it would be in the spirit of justice to them to do so. Hence I shall oppose any motion which will facilitate the overriding of the President's veto not because in my judgment it will affect the result at all, but because, as a matter of principle, I think Congress should respect the constitutional amendment, which gives a period of grace to those who are legitimately engaged in an industry which at one time the Congress fostered and upon which the United States has levied in large sums for its revenue—revenue which it sorely needs to-day.

Mr. SPENCER. Does not the Senator from California [Mr. PHELAN] think that it is quite within the power of the President by his own proclamation to at once terminate war-time prohibition, if in his judgment he sees fit so to do? Does not the Senator remember that the war-time prohibition by the express terms of the act was to continue in effect until "the conclusion of the present war and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States"? Is not the power to end it a matter entirely within his immediate control?

Mr. PHELAN. Mr. President, my understanding is that the President has been advised by his constitutional adviser, the Attorney General, that as a matter of fact, and as a matter more particularly of international law, the war is not yet over; that the war is not over for purposes of this legislation until the President does proclaim peace, and inasmuch as peace depends upon the ratification of the treaty with Germany, which we have not yet accomplished, there is not the legal condition which would warrant the President in saying so. I think the Senator will agree with me that it is necessary for the President to proclaim peace before there is actually peace, and before he can consistently say that the war is over.

Mr. SPENCER. Mr. President, there is an old legal axiom, "Qui haerit in litera haerit in cortice," the man who sticks to the letter sticks only to the bark, and never gets at the kernel. Certainly no man can read the war-time emergency law without coming to the conclusion that the reason of the law was the existence of an actual war and the presence of an undemobilized force, and when the actual war has ended, and that army has been demobilized, the necessity for that war prohibition is ended. It did not mean that every man should be demobilized; it did not mean the technical paper ending of the war; it meant when the war as a fighting action had terminated, and when the process of demobilization had been substantially completed. Both those things are true now.

Mr. PHELAN. I believe, Mr. President, that that was the clear intention of Congress, but that Congress did not express it in as many words. Since then I understand a committee has been appointed for the purpose of drafting laws in order that the clear intention of Congress might be expressed in words. I do not think the Senator can construe the words of the law as warranting the President now in saying that we are in a state of peace, namely, that the war is over, because it is not over in a technical and legal sense. This is a constitutional Government, and the President, probably much to his regret, is bound by the language which Congress has enacted into law.

Mr. SPENCER. Mr. President, I only desire to call the Senator's attention to the fact that the wording of the law is conditioned upon the proclamation of peace. There is not a word about the final treaty of peace. War-time prohibition ends, according to the express language of the act, at the conclusion of the war, and the war is concluded. It is not a technicality; it is a fact.

Mr. PHELAN. But, Mr. President, the Senator admits that we are living now under an armistice, and that war possibly might be resumed. The armistice does not mean actually the conclusion of the war, because without a further declaration of war we might resume war.

Mr. SMOOT. Mr. President, I have the act before me, and this is the provision.

That after June 30, 1919, until the conclusion of the present war, and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States, for the purpose of conserving the man power of the nation—

And so forth.

The President has authority under the law and must proclaim the termination of demobilization and the conclusion of the present war.

Mr. KING. Mr. President, will my colleague yield?

Mr. SMOOT. Certainly.

Mr. KING. Without expressing any view as to the correctness of the position just suggested by the Senator from Utah [Mr. SMOOT] I invite his attention to what I understand to be the contention of the Senator from South Dakota [Mr. STERLING], who has this matter in charge. As I understood his contention, it was that the President of the United States could not make any proclamation that would affect the act until after the exchange of ratifications of the treaty, and that the President had no power to revoke the existing law until after the treaty had been ratified.

Mr. SMOOT. I did not so understand the Senator.

Mr. KING. I so understood the Senator from South Dakota.

Mr. STERLING. Mr. President, I probably said something from which the junior Senator from Utah [Mr. KING] might have drawn that inference, but I do not want to be understood as taking that position. I think perhaps there is some debatable ground as to when there will be a conclusion of the war—whether when it has concluded, as a matter of fact, according to the statement of the Senator from Missouri [Mr. SPENCER], or whether there is no real conclusion of the war within the meaning of the act until there has been a proclamation of peace. That is a debatable question, perhaps; but if the Senator from Missouri is correct in his opinion, I agree with him that the President might make the proclamation now, and say that practically there had come the termination of demobilization and that the war had concluded. If the other construction is correct, of course, the original war-time prohibition act will be in effect until the proclamation of peace.

Mr. SMOOT. Under the wording of the law, I can not see how war-time prohibition will be repealed in any way until the conclusion of the present war—

And thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States.

The President of the United States has power to-day to declare that to be a fact.

Mr. STERLING. There is some question as to what the expression "the date of which shall be determined and proclaimed by the President of the United States," refers to, whether it refers to the date of the conclusion of the war, which shall be declared by the President of the United States or the termination of demobilization.

Mr. SPENCER. Does not the Senator remember that in one of those eloquent verbal utterances of the President after the 11th of November, 1918, he stated in language as follows:

Thus ends the present war.

Mr. SMOOT. I remember that the President made that statement in a speech that he delivered before a joint session of the two Houses.

Mr. NORRIS. Mr. President, will the Senator from Utah give me the language of the act from which he read?

Mr. SMOOT. I will hand the Senator the act and he may read it.

Mr. NORRIS. I did not care to take any part in this discussion, but I do not want the occasion to pass without giving my protest to the construction that has been placed on the language. It reads as follows:

That after June 30, 1919, until the conclusion of the present war and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States—

And so forth.

Mr. President, the theory of the Congress when it enacted the law was that the war would be terminated before demobilization took place. No one can doubt of that, if we will read the law. "And thereafter," the law reads. The President has no authority whatever to issue his proclamation until two things occur. One must be the conclusion of the present war and the other must be demobilization, and if the President should issue a proclamation before either one of those events has taken place it would be null and void and of no effect whatever. The idea that some Senators seem to have that the President can terminate the prohibition law at any time by a proclamation, it seems to me, will not bear the reasoning of logic. The law is purposely framed so that he has no power to declare war prohibition at an end until those two things occur. What has actually taken place, I presume, is that demobilization took place before the war was over, something that the framers of the statute had not contemplated. But in a legal sense the war is not over now. We have only suspended hostilities under an armistice. We are at war now with Germany, in a legal sense, the same as we have been at any other time. The war is not over. In my judgment, the President, if he has been advised, as the Senator from California [Mr. PHELAN] says, that it is not proper for him to issue this proclamation now, has been correctly advised. I do not see how you can reach any other conclusion than that under the law as it stands now he has no authority to issue a proclamation, because the war is not yet over.

It has happened in history lots of times where an armistice has been declared and hostilities suspended, no agreement has been reached under the terms of the armistice, and active war has again taken place. We had that occur in the surrender of Johnson's army in the Civil War when Sherman accepted the terms of peace, but they were rejected at Washington. Nobody believes that will happen now, but in a legal sense it might occur. There is not any ending of the war yet.

Now, as to demobilization, I have my doubt about that. I do not know what the facts are except what I have read in the papers.

Mr. SMOOT. Mr. President, I call the Senator's attention to the fact that the two things which the law specifically states must occur, "the date of which shall be determined and proclaimed by the President of the United States."

Mr. NORRIS. The President of the United States being Commander of the Army, will know before anyone else will know, and will know definitely, when demobilization takes place.

Mr. SMOOT. But that the law itself gives that power to the President, of course the Senator will admit.

Mr. NORRIS. Yes; but it is based on two things that must occur. Demobilization may be complete. I can not say as to that; I do not know, but the President does. He is the head of the Army, and he knows.

Mr. SMOOT. But the wording of the law is such that it seems to me it is entirely in the hands of the President. The act says:

The date of which shall be determined and proclaimed by the President of the United States.

Mr. NORRIS. Yes; but the President has no right to fix the date as long as we are in a state of war, and that state will continue until some legal action is taken to discontinue it.

Mr. SHIELDS. Mr. President—

Mr. NORRIS. I yield to the Senator from Tennessee.

Mr. SHIELDS. The war-time prohibition act was passed in order to protect the public while the United States was recruiting and organizing an army and had the soldiers in camp in the United States. There is nothing of that kind going on now. It was further intended to protect the troops in demobilization. The Senator says he has no authoritative information that all of them are demobilized, but is it not common knowledge that the Army has been reduced below the size of the Regular Army now, and that there is no demobilization going on in the United States and has been none for three months, except in one or two camps in one or two States out of the 48? The reason for this law having ceased, is there any possible ground for passing another law to make it effective at this time, as is now proposed?

Mr. NORRIS. Now, the Senator is arguing a proposition that, in my judgment, is not involved here. I am not going to argue the question as to whether the particular war prohibition law that is involved in the veto message ought to have been passed. That is an entirely different proposition. The question before the Senate now is whether we will go into legislative session in order that the Senator from South Dakota may call up the veto message and have a vote taken on it.

I am contending that the war is not over, that there is still a state of war, and that the President has no authority to revoke war-time prohibition until the war is over. Let me read the language again:

That after June 30, 1919, until the conclusion of the war and thereafter—

The theory was that demobilization would take place after the war was over. It is probably true, from what the Senator says, that demobilization has taken place first, but it still leaves in the law one of the requisite things upon which the President must base his proclamation, and that is a state of war. Until that has passed away he has not any authority to issue any proclamation. Otherwise, if the President could arbitrarily fix it, then he might have done it the next day after the law was passed and said, "I declare demobilization to have taken place and that the war is over and prohibition is abandoned." That would not have made it so. Nobody after reading the law would have contended for a moment that that was a legal suspension of the law, and it seems to me that, in a legal sense, the same thing exists now that has existed all the time.

Mr. SHIELDS. Mr. President—

Mr. NORRIS. I yield to the Senator.

Mr. SHIELDS. The Senator may be technically correct, but there is no justification for passing a law upon a technical state of affairs when there are no facts to justify it.

Mr. NORRIS. We are not now engaged in passing a law.

Mr. SHIELDS. Just let me say—

Mr. NORRIS. Just let me refer to what the Senator said. I am referring to a law we have passed. The Senator has reference to another measure that has been vetoed, and that is outside of this question.

Mr. SHIELDS. Let me call the Senator's attention to what the President said in his veto message:

The subject matter treated in this measure deals with two distinct phases of the prohibition legislation. One part of the act under consideration seeks to enforce war-time prohibition. The other provides for the enforcement which was made necessary by the adoption of the constitutional amendment. I object to and can not approve that part of this legislation with reference to war-time prohibition. It has to do with the enforcement of an act which was passed by reason of the emergencies of the war and whose objects have been satisfied in the demobilization of the Army and Navy, and whose repeal I have already sought at the hands of Congress. Where the purposes of particular legislation arising out of war emergency have been satisfied, sound public policy makes clear the reason and necessity for repeal.

Now, the Senator says he does not know whether the President knew they had been demobilized or not. The President does know, and he says it has been done.

Mr. NORRIS. Probably so, but my sole objection to what the Senator urges still exists, that the Senator from Tennessee is arguing about a law that is involved in the veto message. I am not. For the present I am not considering that. At the present time that is not involved. The question here is the question raised by the Senator from Missouri [Mr. SPENCER], Has the President the authority under the law to issue a proclamation that shall repeal the prohibition war-time statute?

Mr. FALL. Mr. President—

Mr. NORRIS. I contend that he has no such authority now. Nothing that the Senator has said bears on it. What he has said bears on the wisdom or the unwisdom of Congress in passing the law at a time when the President says there is no further use for it. That is an entirely different proposition. I yield to the Senator from New Mexico.

Mr. FALL. In the first place, the President has issued his proclamation that demobilization has taken effect. He has issued it in this statement. Therefore, so far as he can affect the matter, the war-time prohibition law is now out of effect. The question which the Senator is discussing is whether he had a right to do it. Whether he has done it prematurely is a question for the courts and not a question for the Senate, is it not?

Mr. NORRIS. The President has not issued a proclamation of the kind I am speaking of.

Mr. FALL. I thought the Senator agreed with the Senator from Tennessee that he had.

Mr. NORRIS. I do not think the Senator from Tennessee claims that he has issued a proclamation. He sent a veto message here that is an argument against the passage of the bill that he vetoed. I claim that it has not anything whatever to do with the question of whether the President has authority, under the existing law, to issue a proclamation that shall repeal war-time prohibition as it now stands.

Mr. FALL. The proclamation does not repeal war-time prohibition nor did the law provide that it should do so. The proclamation simply gives publicity to a fact, and that publicity is given through the officer who is entitled to give it. The President of the United States issues proclamations for



the United States. It makes no difference what the wording is, so long as he gives publicity to the public generally of the status which the Congress of the United States has fixed as terminating a certain condition, and that condition, in my judgment, is terminated.

Mr. NORRIS. I think the Senator is right, and perhaps what I have said would bear the criticism he has made that the President does not terminate it. He issues a proclamation which fixes the date when it is terminated, but the statute fixes the condition under which he has the legal right to issue that proclamation, and one of those conditions is that the war is over, and I do not think anybody will claim that it is over. We might have to mobilize an army yet in this war and send another army to Germany. We do not know, in a legal sense, but what we will have more men there in a year from now than we had there a year ago. The war is not technically over. We are in a state of war now.

Mr. FALL. Mr. President, I can not allow the statement of the Senator to go unchallenged, because I have insisted, and I still insist, that both as a matter of fact and as a matter of law this country has been at peace with Germany now for three or four months, that the President has so said, that the President has suspended, as it is probable he may do, the trading-with-the-enemy act, that we are now trading actually with Germany, and that no one can be punished under the law to-day for trading with Germany. The matter of peace is a status, and to contend otherwise would be simply to adopt the argument of the Senator, as I understand it, that although we might ratify the treaty of peace ourselves to-day and if the President did not thereupon issue his proclamation that the Army was demobilized this legislation would continue on the statute books forever.

Mr. NORRIS. The condition of peace is a status, it is true, but it is a status that the President of the United States has not any authority to fix. Congress could bring about a legal termination of the war and bring about a status of peace by the passage of a resolution similar to the one which the Senator from New Mexico introduced. I have no doubt of that, and it would be a legal establishment of peace. But now legally we are in a state of war, and it does not make it otherwise because somebody is trading with somebody in Germany either. The law specifically states that before the President can issue that proclamation the war must be terminated, and it has not been terminated.

Mr. PHELAN. Mr. President, may I offer a resolution on this subject?

The PRESIDENT pro tempore. Does the Senator from California desire the resolution to be read?

Mr. STERLING. I should like to ask the Senator from California the purport of it. I make a point of order that there is a question pending before the Senate and that the Senator's resolution is out of order.

Mr. PHELAN. Has the Senator asked me a question?

The PRESIDENT pro tempore. The Senator from South Dakota makes the point of order that the Senator from California has spoken twice upon this question?

Mr. STERLING. Oh, no. I have not made that point of order, nor do I desire to do so. I thought the Senator had offered a resolution.

Mr. PHELAN. The Senator from California has offered a resolution, and the Senator from South Dakota has requested him to express to the Senator the purport of it, but was cut off by the point of order which the Senator made.

Mr. STERLING. On reflection I will say to the Senator from California that I object to his resolution.

The PRESIDENT pro tempore. The resolution is out of order and the point of order is sustained. The Chair assumed that possibly the Senator from California desired to use it in the nature of an observation on the pending question.

Mr. PHELAN. Mr. President, there seems to be a disagreement among Senators as to the meaning of the language in the war-time prohibition act, and my thought was to offer a method of solution which would have cut off the debate very effectively, by the adoption of an interpretative resolution of this kind:

Whereas the President, in his address to Congress on November 18, 1918, said, "The war thus comes to an end, for having accepted the armistice it will be impossible for the German command to renew it"; and

Whereas demobilization is conceded: Therefore

Resolved, That it is the sense of the Senate of the United States that, for the purposes of the war-time prohibition act, the war has been concluded and demobilization has been accomplished.

Does the Chair rule the resolution is out of order?

The PRESIDENT pro tempore. The Senator from California has the floor.

Mr. PHELAN. Then I ask unanimous consent for the immediate consideration of the resolution.

Mr. STERLING. I object, Mr. President.

Mr. NELSON. I call for the regular order.

The PRESIDENT pro tempore. The regular order is the motion of the Senator from South Dakota, upon which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. MOSES (when his name was called). I have a general pair with the senior Senator from Virginia [Mr. MARTIN]. In his absence I transfer my pair to the senior Senator from West Virginia [Mr. SUTHERLAND] and vote "yea."

Mr. DIAL (when the name of Mr. SMITH of South Carolina was called). The senior Senator from South Carolina [Mr. SMITH] is absent on account of illness in his family. He is paired with the Senator from South Dakota [Mr. STERLING].

Mr. STERLING (when his name was called). As has been stated by the junior Senator from South Carolina [Mr. DIAL], I have a general pair with the senior Senator from South Carolina [Mr. SMITH]. In his absence I withhold my vote not knowing how he would vote if present. If I were at liberty to vote, I should vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BECKHAM], but I understand that if present he would vote on this question as I intended to do, and I feel I am permitted to vote. I vote "yea."

The roll call was concluded.

Mr. DILLINGHAM (after having voted in the affirmative). I inquire if the Senator from Maryland [Mr. SMITH] has voted?

The PRESIDENT pro tempore. He has not.

Mr. DILLINGHAM. I have a general pair with the Senator from Maryland. Not knowing how he would vote if present, I withdraw my vote.

Mr. STERLING. I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Washington [Mr. POINDEXTER] and vote. I vote "yea."

Mr. HENDERSON (after having voted in the negative). Has the junior Senator from Illinois [Mr. McCORMICK] voted?

The PRESIDENT pro tempore. He has not.

Mr. HENDERSON. I have a general pair with the junior Senator from Illinois, which I transfer to my colleague, the senior Senator from Nevada [Mr. PITTMAN], and allow my vote to stand.

The result was announced—yeas 43, nays 38, as follows:

#### YEAS—43.

Capper	Johnson, Calif.	McNary	Smoot
Coff	Jones, Wash.	Moses	Spencer
Cummins	Kellogg	Myers	Sterling
Curtis	Kenyon	Nelson	Sutherland
Dial	Keyes	New	Townsend
Fall	Kirby	Newberry	Trammell
Frelinghuysen	Knox	Norris	Wadsworth
Gore	Lenroot	Page	Walsh, Mont.
Gronna	Lodge	Phipps	Warren
Hale	McCumber	Sheppard	Watson
Harding	McKellar	Sherman	

#### NAYS—38.

Ashurst	Gerry	Nugent	Smith, Ariz.
Bankhead	Harris	Overman	Smith, Ga.
Borah	Harrison	Owen	Swanson
Brandegge	Henderson	Penrose	Thomas
Calder	Hitchcock	Phelan	Underwood
Chamberlain	Jones, N. Mex.	Pomerene	Walsh, Mass.
Edge	Kendrick	Ransdell	Williams
Fletcher	King	Robinson	Wolcott
France	La Follette	Shields	
Gay	McLean	Simmons	

#### NOT VOTING—15.

Ball	Elkins	Martin	Smith, Md.
Beckham	Fernald	Pittman	Smith, S. C.
Culberson	Johnson, S. Dak.	Poindexter	Stanley
Dillingham	McCormick	Reed	

Mr. GERRY. The Senator from South Dakota [Mr. JOHNSON] and the Senator from South Carolina [Mr. SMITH] are absent on account of illness in their families.

So Mr. STERLING's motion was agreed to, and the Senate returned to legislative session.

The PRESIDENT pro tempore. The Chair lays before the Senate the bill (H. R. 6810) to prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries, together with the veto message of the President withholding his approval therefrom, and the message from the House of Representatives.

Mr. STERLING. Mr. President, I ask that the Senate may proceed with the consideration of the bill, the objections of the President to the contrary notwithstanding.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BRANDEGEE. Mr. President—

SEVERAL SENATORS. Vote!

Mr. BRANDEGEE. Mr. President, I should like to ask what the pending motion is?

The PRESIDENT pro tempore. The question is whether, notwithstanding the objections of the President, the bill shall pass.

Mr. BRANDEGEE. I do not so understand, Mr. President. The Senate has just voted to go into legislative session. Now, the Senator from South Dakota [Mr. STERLING] moves to proceed to the consideration of the bill. Is that the motion?

Mr. LODGE. The bill has been laid before the Senate by the Chair. It involves a privileged matter.

The PRESIDENT pro tempore. In the opinion of the Chair, the bill is before the Senate at this moment.

Mr. BRANDEGEE. What is the pending question, Mr. President?

Mr. SHEPPARD. Regular order!

The PRESIDENT pro tempore. The pending question is, Shall the bill pass, notwithstanding the objections of the President?

Mr. KING. Mr. President—

SEVERAL SENATORS. Vote!

Mr. ASHURST. The question is not debatable.

Mr. KING. I should like to have the veto message of the President read.

The PRESIDENT pro tempore. The Secretary will read the message from the House of Representatives and the veto message of the President of the United States.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES  
OF THE UNITED STATES,  
October 27, 1919.

The President of the United States having returned to the House of Representatives, in which it originated, the bill (H. R. 6810) to prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries, with his objections thereto, the House proceeded, in pursuance of the Constitution, to reconsider the same; and

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

*To the House of Representatives:*

I am returning, without my signature, H. R. 6810, "An act to prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries."

The subject matter treated in this measure deals with two distinct phases of the prohibition legislation. One part of the act under consideration seeks to enforce war-time prohibition. The other provides for the enforcement which was made necessary by the adoption of the constitutional amendment. I object to and can not approve that part of this legislation with reference to war-time prohibition. It has to do with the enforcement of an act which was passed by reason of the emergencies of the war and whose objects have been satisfied in the demobilization of the Army and Navy, and whose repeal I have already sought at the hands of Congress. Where the purposes of particular legislation arising out of war emergency have been satisfied, sound public policy makes clear the reason and necessity for repeal.

It will not be difficult for Congress in considering this important matter to separate these two questions and effectively to legislate regarding them, making the proper distinction between temporary causes which arose out of war-time emergencies and those like the constitutional amendment of prohibition which is now part of the fundamental law of the country. In all matters having to do with the personal habits and customs of large numbers of our people we must be certain that the established processes of legal change are followed. In no other way can the salutary object sought to be accomplished by great reforms of this character be made satisfactory and permanent.

WOODROW WILSON.

THE WHITE HOUSE,  
27 October, 1919.

Mr. LODGE. Mr. President, I have no desire to delay a vote, but I wish to say just a word in regard to the vote which I am about to cast.

I have always opposed constitutional prohibition. I voted against it. I have not believed in putting prohibition into the Constitution of the United States, and I have not changed my view; but the country decided to put it in the Constitution of the United States, and then it became the obvious duty of Congress to supply the law necessary for its enforcement. There is no greater evil in our system of government than unenforced constitutional provisions. For that reason I voted for the bill which has just been vetoed.

I see no force in the President's distinction. The language of the war-time prohibition act is that it shall last "until the conclusion of the present war and thereafter until the termination of demobilization." The President has declared in his annual message that the war is at an end; he has declared in this message that demobilization is complete. Therefore, Mr. President, I see no force in the objection; but I think at this time to prevent this bill from becoming a law in the present disturbed conditions of the country would be a great misfortune. So I shall vote to pass the bill over the President's veto.

The PRESIDENT pro tempore. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. SMOOT, Mr. GRONNA, and Mr. POINDEXTER demanded the yeas and nays.

The PRESIDENT pro tempore. The Chair is of the opinion that it is not necessary to order the yeas and nays; that the vote must be taken in that way. The Secretary will call the roll. The Secretary proceeded to call the roll.

Mr. DIAL (when the name of Mr. SMITH of South Carolina was called). My colleague, the senior Senator from South Carolina [Mr. SMITH], is detained on account of illness in his family. He has a general pair with the Senator from South Dakota [Mr. STERLING]. If my colleague were present and at liberty to vote, he would vote "yea."

Mr. STERLING (when his name was called). Under the announcement of the Senator from South Carolina [Mr. DIAL] as to how my pair would vote if present, I am at liberty to vote. I therefore vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BECKHAM]. I understand, however, that he would vote "yea" on this proposition, so I am at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. DILLINGHAM (after having voted in the affirmative). I have already voted, but I observe that the senior Senator from Maryland [Mr. SMITH] has not voted. Having a general pair with him, I am compelled to withdraw my vote.

Mr. CURTIS. I desire to announce that the Senator from West Virginia [Mr. ELKINS] and the Senator from South Dakota [Mr. JOHNSON] are paired with the Senator from Kentucky [Mr. STANLEY], and the Senator from Kentucky [Mr. BECKHAM] and the Senator from Virginia [Mr. MARTIN] are paired with the Senator from Missouri [Mr. REED].

Mr. GERRY. I wish to announce that the Senator from South Dakota [Mr. JOHNSON] and the Senator from South Carolina [Mr. SMITH] are detained from the Senate by illness in their families. I have been especially requested to announce that if the Senator from South Dakota [Mr. JOHNSON] were present and at liberty to vote, he would vote "yea."

Mr. POMERENE. I wish to announce that the Senator from Maryland [Mr. SMITH] is necessarily detained on official business.

The roll call resulted—yeas 65, nays 20, as follows:

YEAS—65.

Ashurst	Harrison	Moses	Smith, Ga.
Ball	Henderson	Myers	Smoot
Bankhead	Johnson, Calif.	Nelson	Spencer
Capper	Jones, N. Mex.	New	Sterling
Chamberlain	Jones, Wash.	Newberry	Sutherland
Coit	Kellogg	Norris	Swanson
Cummins	Kendrick	Nugent	Townsend
Curtis	Kenyon	Overman	Trammell
Dial	Keyes	Owen	Wadsworth
Fernald	Kirby	Page	Walsh, Mont.
Fletcher	Knox	Phipps	Warren
Frelinghuysen	Lenroot	Poin Dexter	Watson
Gore	Lodge	Pomerene	Williams
Gronna	McCormick	Sheppard	Wolcott
Hale	McCumber	Sherman	
Harding	McKellar	Simmons	
Harris	McNary	Smith, Ariz.	

NAYS—20.

Borah	France	La Follette	Robinson
Brandeggee	Gay	McLean	Shields
Calder	Gerry	Penrose	Thomas
Edge	Hitchcock	Phelan	Underwood
Fall	King	Ransdell	Walsh, Mass.



## NOT VOTING—11.

Beckham  
Culberson  
Dillingham

Elkins  
Johnson, S. Dak.  
Martin

Pittman  
Reed  
Smith, Md.

Smith, S. C.  
Stanley

The PRESIDENT pro tempore. (At 3 o'clock and 40 minutes p. m.) On this question the yeas are 65 and the nays are 20. Two-thirds of the Senators present having voted in the affirmative, the bill is passed, the objections of the President of the United States to the contrary notwithstanding.

## FIRST DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT.

Mr. WARREN. I move that the Senate take up the conference report on the deficiency appropriation bill.

The motion was agreed to, and the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 9205) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9205) "making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 10, 12, 28, 31, 34, 35, 40, 42, 43, 44, 45, 46, 55, 62, 63, 64, 72, and 73.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 7, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 32, 36, 37, 38, 39, 48, 49, 50, 51, 52, 53, 54, 57, 58, 66, 67, 68, 69, 70, 71, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, and 86, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

## "COMMITTEE ON PUBLIC INFORMATION.

"Authority is hereby granted to the director of the Council of National Defense to expend during the fiscal year 1920 the sum of \$32,000 from the funds now to the credit of the committee on public information for necessary expenses incurred therefor since July 1, 1919, and for the expenses of auditing and closing the accounts and affairs of said committee. All unexpended balances of appropriations for and allotments to the committee on public information shall remain available for payment under the direction of the director of the Council of National Defense of such liabilities as were actually and necessarily incurred by the committee prior to June 30, 1919: *Provided*, That \$1,000,000 of such appropriations and allotments shall be covered into the Treasury immediately upon the passage of this act."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment strike out the word "continuing" and insert in lieu thereof the word "completing"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In line 4 of the matter inserted by said amendment strike out the word "ten" and insert in lieu thereof the word "five," and in line 6 strike out "\$1,600" and insert in lieu thereof "\$800"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Strike out all of the matter inserted by said amendment after line 15; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$200,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,863,176"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows:

## "ORDNANCE DEPARTMENT.

"Ordnance reservation civilian schools: Authority is granted for the expenditure during the fiscal year 1920 of not to exceed \$45,000 from appropriations heretofore made for the 'purchase, manufacture, and test of ammunition for mountain, field, and siege cannon,' for the operation and maintenance on ordnance reservations at Amatol and Mays Landing, N. J., Nitro, W. Va., Jacksonville, Tenn., Penniman, Va., Sheffield and Muscle Shoals, Ala., and Tullytown, Pa., of schools for children of persons employed thereon, where public schools are not conveniently available for such children, including salaries, supplies, stationery, and industrial work, replacement and repair of books and equipment, and all incidental and necessary expenses in connection therewith."

And on page 11 of the bill, in line 10, strike out "1919" and insert in lieu thereof "1910."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

## "NAVY DEPARTMENT.

## "RENT.

"For rental of additional quarters for the Navy Department, fiscal year 1919, \$175.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$6,000,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment strike out "\$1,000" and insert in lieu thereof "\$500," and in line 4 strike out "\$666.67" and insert in lieu thereof "\$333.34"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment, strike out "\$1,000" and insert in lieu thereof "\$600," and, in line 5, strike out "\$666.67" and insert in lieu thereof "\$400"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment strike out "\$1,000" and insert in lieu thereof "\$600," and, in line 3, strike out "\$666.67" and insert in lieu thereof "\$400"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65 and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$45,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

## "INTERNATIONAL CONFERENCE OF LABOR.

"For salaries and expenses of the international conference of labor, as follows:

"United States Government executive staff: For two and one-half months, at monthly compensation as follows: Assistant to the secretary, \$450; first assistant, \$300; three executive assistants, at \$200 each; two assistants at hotels, at \$200 each; private secretary, \$200; two stenographers, at \$150 each; typist, \$125; and two messengers, at \$75 each; in all, \$6,312.50.

"Conference staff, for two months, at monthly compensation as follows: Two stenographers, at \$150 each; two deputy secretaries, at \$300 each; four subsecretaries (for commissions), at \$200 each; four interpreters, at \$200 each; three English-French translators, at \$200 each; three French-English translators, at \$200 each; six French stenographers, at \$83.33 each; six English stenographers, at \$150 each; chief messenger, \$125; eight messengers, at \$75 each; expenses, at not exceeding \$10 per diem for each person, \$12,000; in all, \$23,649.96.

"Chief clerk's office, for two months, at monthly compensation, as follows: Chief clerk, \$200; assistant chief clerk, \$150; and stenographer, \$150; in all, \$1,000.

"Expenses: For reporting proceedings, \$20,000; printing proceedings, \$10,000; paper, \$2,500; contingent expenses, \$1,000; in all, \$33,500.

"Total, international conference of labor, \$64,462.46: *Provided*, That all accounting in connection with the conference shall be done by the disbursing officer of the Department of

Labor: *Provided further*, That no part of the money herein appropriated for the international conference of labor shall be available for the payment of an allowance for per diem expenses in lieu of subsistence to any person residing in the District of Columbia: *Provided further*, That this sum shall not be supplemented by expenditures from any other appropriation nor shall any part of this or any other appropriation be used for telegraphing or cabling the proceedings of the said conference."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$1,075"; and the Senate agree to the same.

F. E. WARREN,  
CHARLES CURTIS,  
O. W. UNDERWOOD,

*Managers on the part of the Senate.*

JAMES W. GOOD,  
J. G. CANNON,  
JAMES F. BYRNES,

*Managers on the part of the House.*

Mr. WADSWORTH. Mr. President, I desire to ask of the chairman of the Committee on Appropriations whether the item which would enable the War Department, through the Air Service, to purchase airplanes has been eliminated from the bill?

Mr. WARREN. In reply to the Senator from New York regarding aviation, I have to say that it was eliminated in conference, the House conferees resisting continuously until the last item in the bill. So it goes out, together with the item concerning \$250,000 worth of tools which the Committee on Military Affairs reported favorably to the Senate, and which was included in the bill. That was also eliminated.

Mr. WADSWORTH. May I ask the Senator from Wyoming if that last item was not a duplicate of the bill which the Committee on Military Affairs reported, authorizing the Secretary of War to transfer the title of not to exceed \$250,000 worth of machine tools from the War Department to the National Board for Vocational Training?

Mr. WARREN. Precisely; it was included with the amendment offered by the Committee on Military Affairs, and the language was exactly the same as reported from that committee.

Mr. WADSWORTH. Mr. President, the second item alluded to by the Senator from Wyoming, while important, is not as important as the other one, which has to do with the Air Service.

I desire to say that I think I very thoroughly understand the difficulties which the Senate conferees encountered with the House conferees in a discussion of this item, and I do not wish to seem to reflect in the slightest degree upon the Senate conferees in yielding upon the item. The other House feels very, very strongly about some of the matters affecting appropriations for the War Department, and I know, as well as any other Senator, how difficult it is to persuade them to a different view.

But, Mr. President, I think it well at this time to call the attention of the Senate to the situation which exists in the Air Service. Senators will remember that when the annual appropriation bill for the support of the Army was before the Senate, the Committee on Military Affairs of the Senate, after being requested to recommend an appropriation of \$83,000,000 for the support of the Air Service, including new construction programs, recommended to the Senate an appropriation of \$55,000,000. The Senate passed the bill with the item at that figure in it.

In conference the Senate conferees offered to compromise, as it were, on an appropriation of \$40,000,000, contending that without such a sum it would be utterly impossible for the Air Service to continue any development worthy of the name and at the same time maintain its personnel and establishment. The House conferees, however, and the House itself were adamant upon the proposition, and finally an appropriation of \$25,000,000 was agreed upon, and became a part of the appropriation bill as signed by the President.

The inevitable has happened, just as was said upon the floor of the Senate at the time. The appropriation made in the annual appropriation bill is so small that the result is that the Air Service for the next fiscal year can not build any airplanes for the Army. In other words, this great country, at a time when all other countries are exerting themselves to the utmost to advance this new and wonderful art of flying, to encourage the commercial use of airplanes, to equip their military forces with machines of the latest design and the greatest efficiency—while every other country worthy of being called a great country is working along these lines, the United States, and the United States alone, declines to take one step toward

enabling our people to come even within hailing distance of the progress of the art.

Mr. McCORMICK. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Illinois?

Mr. WADSWORTH. I yield to the Senator from Illinois.

Mr. McCORMICK. Is it not true that the War and Navy Departments have no coordinate and integrate plan for the development of an air service? And is it not true that in other countries a measure of coordination and accommodation of differences has been achieved?

Mr. WADSWORTH. Mr. President, I can answer both questions in the affirmative, to the best of my knowledge and belief.

Mr. McCORMICK. And in this country there is no common plan or purpose between the Navy and War Departments?

Mr. WADSWORTH. Mr. President, there is no common plan or purpose or project between the Navy and the War Departments, or between any of the departments of the Government. We have no policy whatsoever.

We are in a shameful and disgraceful position, from which we should emerge at the earliest possible time. Great Britain and France and other countries, recognizing the tremendous future of aviation for commercial purposes, have already organized new departments of government to take over the management and encouragement of this new industry, this new and great means of transportation. That is what it is, a new means of transportation. They are fully confident that within two or three years aviation as a means of transportation will become of tremendous commercial value, and, in fact, to-day it is being used commercially upon the Continent and in the British Isles.

Mr. HENDERSON. Mr. President—

Mr. WADSWORTH. If I may continue my answer to the question propounded by the Senator from Illinois, I think the time must come, Mr. President, and I hope it will come very soon, when Congress will resolve to erect a separate department of aeronautics, which shall take charge of the encouragement of this new art, which bids fair to be just as important in its element as transportation upon the seas is important in its element and transportation upon the land is important upon its element.

Mr. McCORMICK. When I first interrupted the Senator from New York it was for the purpose of securing for the Senate his informed judgment on the fact that other countries have coordinated air services and America has none. Further than that I wanted to raise a question on which we ought to have his opinion. So long as the War and Navy Departments have no developed plan, is there any wisdom in Congress appropriating great and, if you please, insufficient sums, because unwisely spent, for the development, not of a thought-out and coordinated plan, but for a sort of haphazard scheme?

The very question which must have confronted the Committee on Military Affairs confronted the Committee on Naval Affairs, and nearly half the members of that committee, if I remember aright, shrunk from voting for great appropriations for a separate naval air service, and only yielded their judgment to the urgent importunities of other members of the committee who felt that appropriations must be made at this time, even though there was no rational plan.

Mr. WADSWORTH. Mr. President, I do not stand here to defend our present system, or, rather, the lack of it. But it is fair to say that the Army has a program of its own, which, of course, is strictly military, and the Navy has a program of its own, which, of course, is strictly naval in character. So far as each goes, I think they are fairly good. Neither of them, nor the two taken together, solve the problem in a general way. The activities of both combined are not adequate, and never can be adequate, to handle this enormous project, which has aspects which are far more important than the merely military or naval aspects. The commercial aspect is the thing which is going to be important, and already is important.

But we are in this situation, and I may remind the Senator from Illinois of the fact. Just before the armistice, after grave discouragement, and I will be perfectly frank and say after grave waste of funds, this country had finally gotten into the position where it had built up a great industry capable of turning out a very large number of planes and a very large number of engines every month. With the armistice, the contracts were canceled. All those plants have been closed down. Nothing has been done by the Government, or by any other agency, to see to it that there remains for the time being some little remnant of an aeroplane manufacturing industry in the United States.

Mr. McCORMICK. Is that because there has been a default of any appropriation?



Mr. WADSWORTH. It is because the Congress has not appropriated money in sufficient quantities to keep these factories running, even at a very much reduced rate of production. What is the result? In the month of July, 1919, there were only 14 airplanes manufactured in the United States. In Great Britain there were 2,000. That indicates where we are going; or, rather, where other people are going in the development of this business, and how we are standing still.

Mr. KIRBY. Mr. President, I desire to ask if it is the Senator's purpose to have the conference report rejected and to try another conference on this proposition? I am in hearty sympathy with the object of the appropriation made by the Senate.

Mr. WADSWORTH. Mr. President, I would not undertake alone the responsibility of asking that that be done. I would prefer to consult with the chairman of the committee, the Senator from Wyoming. I want to say very frankly that I understand the feeling of the House of Representatives on this matter. They are adamant. They are opposed, apparently overwhelmingly, to any financial encouragement of the aviation industry under the present auspices. I am not opposed to it. I am in favor of it within reasonable limits.

Mr. THOMAS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Colorado?

Mr. WADSWORTH. I yield.

Mr. THOMAS. I merely wish to say that if the Senator feels like taking that responsibility, it will not be a personal one by any means, because I think there are quite a large number of his colleagues who will support him to the best of their ability. I heartily sympathize with every criticism that the Senator has made of this situation.

Mr. KING. Mr. President, will the Senator permit an inquiry?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Utah?

Mr. WADSWORTH. I yield.

Mr. KING. I hope the Senator will not attempt to defeat the conference report. I share entirely the views of the House of Representatives, and I think that there are other Senators who entertain the same views. So long as the present control of the aircraft production remains in the hands of those now managing it, I feel sure that no very extensive appropriation will be made. The waste of the War Department has been so great as to cause the resentment of the American people against the scandals and the misconduct and the misappropriations that have been entailed in regard to aircraft production.

Mr. WADSWORTH. Now, Mr. President—

Mr. KING. The Senator will pardon me. We made a very large appropriation, I think, \$25,000,000. Certainly \$25,000,000 ought to go somewhere, notwithstanding the extravagance of the War Department in handling appropriations made by Congress.

Mr. WADSWORTH. Mr. President, I had not intended to address the Senate at length on this question, but the Senator from Utah [Mr. KING] has brought up another phase of it. I agree with the Senator from Utah that there has been extravagance and waste, but I assert that the men who were responsible for that are no longer in charge of the aviation program. It is not my business one way or the other to defend the War Department, but I think justice should be done to the men who are to-day in charge of the Air Service of the United States Army. I have entire confidence in the Director of Air Service and his principal assistant, Gen. Mitchell. They have not been guilty of extravagance so far as our committee can ascertain. They did not come into charge of this work until after the armistice. Since they have come in charge they have not had any money to expend in great quantities in the building of planes. They have asked the Congress for sums of money which will enable them during the next 18 months to build 600 planes, as they stated to the Military Affairs Committee; and, incidentally, I may say to the Senator from Utah that the Military Affairs Committee of the Senate passed upon this proposed item before it was considered by the Committee on Appropriations, and passed upon it unanimously, without one dissenting vote, because we were convinced that it was our duty to give these people a chance to build some airplanes, at least, in which our military fliers could operate. We have nothing left now but the famous DH-4 machines, which are obsolescent and imperfect, and are deficient in many respects.

Mr. McCORMICK. For military purposes?

Mr. WADSWORTH. For military purposes or for any purposes. They are out of date. This art is moving along from month to month.

Mr. NEW. Mr. President—

Mr. WADSWORTH. I yield to the Senator from Indiana.

Mr. NEW. Well within the time that will be required for the completion of the machines provided for by this \$15,000,000 appropriation, even such obsolescent planes as we have will be worn out, and the War Department will be left without anything in the way of a ship to take the air.

Mr. WADSWORTH. It may be of interest to know—and it is no longer a secret, because it has been testified before the Committee on Military Affairs—that we can not muster three squadrons of aeroplanes to send across any neighboring border to-day, and what we may send would be in obsolete machines. That thing can not go on indefinitely. It is all very well for Senators to entertain prejudice against those who happen to be in authority, but we must think of the country.

Mr. WARREN. Mr. President—

Mr. WADSWORTH. One might just as well say that we never should build another battleship because the first battleship, the *Texas*, was a failure. Merely because during the war we had a most unfortunate and distressing experience in the production of aircraft, that is not a valid argument in behalf of the proposal that we shall never build any more aircraft, and that is the proposal which confronts us. I yield to the Senator from Wyoming.

Mr. WARREN. Mr. President, I indorse fully, and with all the earnestness I can express, the feelings and sentiments of the Senator from New York [Mr. WADSWORTH]. I notice that the Senator from Colorado [Mr. THOMAS] thought we might gain something by sending this report back to conference. I have no feeling about it; if that should be the wish of the Senate, I would be perfectly willing. I think, however, we would be in better condition to take it up later, when it should be taken up, than to send it back to another conference now. Indeed, the unfortunate part of it was that it was a matter of contention upon the part of the House that the Department of the Treasury did not bring it to the House in the shape of an estimate, but that the War Department brought it directly to the Senate. The Senate Committee on Appropriations could not entertain it in the form it was in. If put in the bill, it could have gone out on the point of order had any one Senator made that point. However, it went to the Committee on Military Affairs, as the Senator states, and was unanimously indorsed, and thus it became in order. I think in this case we would lose ground, rather than gain, to send it back to conference.

Mr. WADSWORTH. I have indicated, at least upon two occasions in my remarks on the floor, that I understand the nature of the position with which the Senator from Wyoming [Mr. WARREN] is confronted. I am inclined to agree with him that nothing would be gained by sending the report back for this one purpose alone, but I have felt it my duty to call attention to the situation. To-day this great industry has all but utterly perished.

Mr. FLETCHER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Florida?

Mr. WADSWORTH. In just a moment, Mr. President. If you permit it to perish now, if you forbid it in effect to get any assistance whatsoever in tiding over the period of time, which most people put at two or three years, before the art will be thoroughly commercialized and become commercially profitable, you will not catch up in 25 years. Men will go out of business. There are only a baker's dozen of them in it to-day. They have given up almost all hope of building any more planes in the United States. The Post Office Department has contracts for a few, perhaps a dozen or so; I do not know how many. The Army has contracts for none except half a dozen experimental planes of three different types, two units of each type. The Army now believes, and the best fliers in the Army believe, that we have developed in those experimental types—machines, as it were, built by hand—planes and engines which are superior in their classes to anything known abroad. They have been tested to the limit. They have shown results distinctly favorable, as compared with anything known in England or France. Now, they ask Congress to give them some money to build some of these planes—upon a reduced scale, to be sure—in order that a year or 18 months from now, for that is the period that will be necessary in order that they may get them into quantity production, American military aviators will have a machine which can keep the air in an emergency. If it is not done, not one of the DH-4's will be fit for use 18 months from now. They are on the ragged edge now, and 18 months from now this great Republic will have nothing. I am not in favor of stripping our Air Service in that brutal and unwarranted way, even though we did waste money during the war.

Mr. JONES of Washington. Mr. President—

Mr. WADSWORTH. I yield to the Senator from Washington.

Mr. JONES of Washington. Is it not also a fact that England and France are encouraging, especially in South America, the establishment of air lines and the development of air service?

Mr. WADSWORTH. More than that, the British and French Governments have sent agents, and most of them are former British and French army officers, who are skilled aviators and fliers, to South American countries, and they are putting British and French machines of standard types upon those markets at a reduced cost. They have practically captured those markets. More than that, there are agents to-day in the United States, French officers in uniform, in the city of New York, selling French planes at a price infinitely below what any one of our manufacturers can produce them for, because, forsooth, our manufacturers can not produce one plane or six planes or 10 planes at the price per plane for which they can produce them if they are given orders for 600 or 1,000 planes. We are losing our own market.

Mr. NEW. Mr. President—

Mr. WADSWORTH. I yield to the Senator from Indiana.

Mr. NEW. In addition to what the Senator from New York has just said and in reply to the question propounded by the Senator from Washington [Mr. JONES], I should like to state that within the last few days I have received, and put into the record of the hearings before the Committee on Military Affairs, a formal and official letter from our Department of State, signed by Mr. Adee, Assistant Secretary, addressed to the Aircraft Manufacturers' Association, setting forth officially the fact that representatives of certain foreign agents, English and French, are in South American countries, distributing the planes of their manufacturers, and asking the manufacturers' association here if they could not do something to bring American factories successfully in competition with these foreigners.

The situation is simply that the manufacturers' association here, fully cognizant of what is going on in those southern countries, are not sufficiently entrenched financially to enable them to enter into any such competition as is required in order to enable them to make any sort of headway against these other people. The people of whom the Senator from New York [Mr. WADSWORTH] speaks and to whom Mr. Adee's letter refers are backed by their respective Governments. They are sent down there with full governmental authority, and naturally we here can not compete with that sort of thing.

Mr. President, if I may, I will add just one word further in answer to a question asked by the Senator from Illinois [Mr. McCormick] of the Senator from New York [Mr. WADSWORTH]. The Senator asked if there were no method of coordination between the War and Navy Departments. In spite of the fact that both the War and Navy Departments say that there is a method, I undertake to say that there is worse than no method at all. I am in full sympathy with all the complaints made here by any Senator with reference to the lack of ability of those two departments to get together and coordinate their efforts in the proper direction.

This happened, and it is a fair illustration of the condition existing between the departments. The Post Office Department, having established a mail route between New York and Chicago, wanted to establish, in connection with it, five wireless stations. They went to the Navy Department and consulted them about it. The Navy Department said, "Yes; we have four which we will permit you to use, and we may build the fifth." But the Post Office Department did not wait, and started in to build five stations on its own little account. That is a fair illustration of the lack of coordination between the respective departments of the Government.

I agree most fully with what the Senator from New York said about the necessity for a separate department of aeronautics, and my feeling on that is best evidenced by the fact that some time ago I presented a bill which has that for its purpose. The bill is now before the Senate Committee on Military Affairs, and I think I am safe in saying it will be favorably reported, and that the committee, almost unanimously at least, will favor the establishment of a separate department of aeronautics, having been perfectly convinced that something of that kind is absolutely necessary.

But, Mr. President, if we pass that bill, as I hope we may and as I certainly believe we should, it will require some time following that in order to get the machinery of the new department going and to get the planes in process of manufacture. The manufacturers who are capable of producing planes in this country are very rapidly going out of business. The whole aircraft industry, which at the time of the signing of the armistice nearly a year ago had grown to very great proportions, has

dwindled so that less than 10 per cent of its productive capacity is now in existence.

Mr. WADSWORTH. It is not producing.

Mr. NEW. I say only 10 per cent is in existence; it is not producing but is merely hanging by its eyelids and waiting to see if there is to be any further business. The business is of such a character that at this day American manufacturers can not go ahead; they can not keep the industry going on their own capital without Government assistance.

But, Mr. President, the appropriation of \$15,000,000 would have served two purposes: First, it would have kept alive the remnant of the industry; and, second, it would have provided for the Government that which the Government is absolutely bound to have and which it can not under any circumstances get along without except to its great loss and discredit in the event of any emergency. Nobody knows when such an emergency may arise or where; but when it does, if it should occur any time within the next 18 months, I say to Senators here that the United States is going to be as badly off for airplanes as it was on the 6th day of April, 1917. That is the lamentable truth. We shall have to start all over again and in exactly the same extravagant way in which we went about it two years ago. It seems that we have learned nothing.

Like the Senator from New York [Mr. WADSWORTH], I understand, I think, the difficulties under which the Senate conferees labored. I have had some experience with the House Members who represented that body in this conference, and I know what their objections and their prejudices are.

Mr. OVERMAN. Will the Senator yield to me?

Mr. NEW. Certainly.

Mr. OVERMAN. Mr. President, I do not like the policy of delaying needed legislation because the other House is not in favor of it. I voted for this appropriation in the Committee on Appropriations, knowing at the time that properly it did not belong on a deficiency bill, and yet its importance is so great that I voted for it in committee. The Senate passed it, and why should we let the House hold us up? Why not send this conference report back to conference as we would a report involving any other necessary appropriation, fight it out, and give the House the benefit of the arguments which have been so ably presented here this afternoon by the Senator from Indiana [Mr. New] and by the Senator from New York [Mr. WADSWORTH] and which I cordially indorse. That is the only way to get legislation.

Sensors talk about putting it off. If we do so, we shall have no airplanes and have nothing with which to build airplanes. The time to enact this legislation is now. We should insist on it and let the report go back to the House of Representatives and make a fight there in conference.

Mr. NEW. Mr. President, I very heartily concur in everything that the Senator from North Carolina [Mr. OVERMAN] has just said. I can not vote to concur in the conference report with this item left out of it, realizing, as I do, its urgent necessity and the loss to the Government and the unfortunate situation in which we would be left by its elimination from the bill.

Mr. KING. Mr. President, will the Senator from Indiana permit an inquiry?

Mr. NEW. Certainly, I will.

Mr. KING. I understood the Senator from New York [Mr. WADSWORTH] to say that \$25,000,000—that is my recollection—was carried on the last regular appropriation bill for the Air Service. Why may not a portion of that \$25,000,000 be devoted to the production of aircraft?

Mr. WADSWORTH. Mr. President, if the Senator from Indiana [Mr. New] will permit me, I have the figures here which will answer the question of the Senator from Utah [Mr. KING].

Mr. NEW. I yield to the Senator for that purpose.

Mr. KING. I shall be glad to hear the figures.

Mr. WADSWORTH. This matter was gone into in the Military Affairs Committee with the greatest care in a hearing attended by the chiefs of the Air Service and the Secretary of War. They laid before us the figures, which account for the use of the \$25,000,000. Some of the figures may surprise the Senator from Utah; but it is well to remind ourselves that when the armistice overtook our tremendous production program it found us in possession of a huge accumulation of aircraft supplies of every kind and description, together with a very large number of fields, covered with barracks and buildings and storehouses and hangars and machine shops, and a vast deal of material of one kind or another.

It was the policy, of course, of all branches of the Army to discharge the soldiers just as soon as they could after the armistice. Congress demanded that and the public demanded it; in fact, the Congress upon several occasions demanded that the War Department substitute civilian employees for soldiers



wherever civilian employees could be substituted in the care of this property. It has been found by the experience of the Air Service, as a result of that policy, which all Americans insisted upon and upon which Congress insisted, that \$13,000,000 has to be expended during this fiscal year for the payment of civilian employees of the Air Service in taking care of the great accumulation of property and the numerous aviation fields. That is only one item, but it accounts for a little more than half of the \$25,000,000.

Mr. KING. Will the Senator permit an inquiry?

Mr. WADSWORTH. I have the other items, if the Senator will let me continue.

Mr. KING. I will pretermitt my inquiry until the Senator from New York shall have concluded.

Mr. WADSWORTH. Now, they are operating a salvage division, a division for the disposal of these materials. Their experience thus far shows that they must set aside \$1,745,000 for that purpose. So that for the care of this property under the two items which I have just enumerated there must be expended \$15,693,967.83. That leaves, roughly speaking, a little less than \$10,000,000 out of the \$25,000,000. Let us see what they can do with that. They have got to pay leases on flying fields of which they are still in possession. Default can not be made in the payment of leases to citizens who own the land. That costs \$350,000.

They figure it vitally important to continue their experimental work on the six or eight machines which have been built practically by hand. Their efforts in this direction constitute a desperate attempt to keep pace with the latest developments. They have done good work along that line, but they only have six or eight machines. That experimental work is carried on at a special place. They have set aside for that purpose the small sum of \$3,000,000. That does not seem too much money to expend in the effort to keep up with the scientific side of this wonderful game.

They also have to develop the lighter-than-air equipment, the dirigibles, and the balloons. One has only to remember the performance of the British R-34 to realize the possibilities and the potentialities of the lighter-than-air craft. So they have set aside \$3,000,000 for that branch of the service. That is not much; that is a very modest figure for a great Government like ours to expend for this purpose.

To maintain the engines—

Mr. NEW. Mr. President, I should like to say right there that the British Government has expended more than that much money on a single dirigible.

Mr. WADSWORTH. The R-34 alone, just that one ship, cost over \$3,000,000; and when they navigated that ship over here and back to London they demonstrated something which is of vital importance to the British Empire, and they know it. That was the precursor of British air lines from London to India and from London to Australia. Those courses are being laid out to-day. They have demonstrated that they can do it. The ships are designed; and they have put aside \$330,000,000 to develop British aviation, to maintain the supremacy of Great Britain in the air, as it has been maintained upon the sea for 200 years, commercially as well as in a military sense.

Mr. NEW. That is the expenditure for one year.

Mr. WADSWORTH. That is for one year. We are not asking anything like that.

I call attention now to another item. To maintain the engines and the planes and provide the operating expenses of the existing equipment, which, mind you, is out of date already, they are compelled to put aside \$2,000,000. For the maintenance and operation of the storehouses, the repair shops, and the fields themselves, which have been selected for final purchase from a great number of fields—and the number of fields has been largely reduced—for the maintenance of those storehouses, which contain \$500,000,000 worth of accumulated supplies, they ask another million dollars.

We, therefore, find that the last items aggregate \$9,350,000, which, added to the \$15,693,967, absorbs the entire \$25,000,000; and yet not one new machine can be built.

Mr. THOMAS. Mr. President, I do not wish to prolong the discussion, but I desire, because of the importance of the subject, to supplement what has been stated by the Senator from New York and the Senator from Indiana by one or two additional observations.

I saw a few days ago a cut of the new German dirigible, with a very interesting description of its character and of its capacity. Coupling that information with the eventful trip of the British dirigible, I was impressed with the idea that the only invasion which America really has to fear in the future is an aerial one. It has been demonstrated that a lighter-than-air machine can traverse the Atlantic Ocean with as much ease

as an airplane can fly from the city of Washington to the city of New York. A fleet of dirigibles, carrying a very considerable number of men and equipped with the deadly explosives which modern science has evolved, could create more havoc upon the American coast than all the battleships of the world combined. We can easily defend ourselves against a marine invasion by the use of our submarines and our mines and our own battleships. We can only resist an aerial invasion by dirigibles and other aircraft.

Great Britain deserves the supremacy which she has secured and maintained for so many years of commerce and of the seas. Her farsightedness has insured both of them to her. She long ago perceived, and acted upon the perception, that the nation which controls the air in the future will continue to be the supreme people of the world—a proposition so obvious, so simple, and so inevitable that every thinking man must perceive it. France has acted, and is acting, upon that perception. We do not know what Japan is doing, because she conceals her activities behind an impenetrable veil of secrecy; but we do know that Japan is strengthening her hold upon China, and that she is in Siberia to stay, if possible; and she also realizes that her ambitions must necessarily collide with the interests of the great manufacturing nations of the world.

It is perfectly safe to assume—indeed, we must assume—that Japan is equally active in developing her air service and her air machinery.

Senators have spoken about the intrusion of commercial agents from France and from Great Britain in South America, with a view of monopolizing the particular business of supplying those countries with aircraft. I want to impress upon the Senate the fact that these nations are also in Mexico, whose Government is utilizing the services of many of its young men and teaching them aviation.

The Senator from New York has called attention to the fact—and it is a most deplorable fact—that we could not to-day, what-over our necessities, mobilize three squadrons of aircraft.

Mr. WADSWORTH. That is, anything like modern aircraft.

Mr. THOMAS. Yes; of course; and if they are not modern they are practically useless. We do not want, and we have demonstrated by our patience, and, sometimes I have thought, our ill-timed consideration, that we do not want trouble with Mexico; but the Mexican situation can not remain as it is forever; and in the event that it does become necessary to intervene we may find ourselves inferior even to Mexico in our aircraft development—a most pitiable thing to contemplate, and yet something which I think is highly probable.

Mr. President, I do not want to see the expenditure of a single unnecessary dollar by the Government of the United States, particularly in these times of high taxation, which burdens the people to a greater extent than ever known before, perhaps, in any country; but the development of aircraft—the future method of warfare, and one of the future methods of communication for the transit both of goods and of individuals—is indispensable to our national greatness, and also to our national protection and safety. Preparedness is a mockery these days, Mr. President, if it does not include preparedness in the air; and it is the one thing, or the principal thing, in which at present our situation is deplorable.

This \$15,000,000, a considerable sum in itself, is only a beginning. I fully concede that. When we consider the enormous sums which Great Britain is expending in this line of development, and the almost equally enormous sums which France is expending in the same line of development, notwithstanding their almost bankrupt condition, it is positively criminal that the Government of the United States should be so handicapped at this juncture. I believe, Mr. President, that we should refuse to concur in this conference report and instruct our conferees to go back and meet with the conferees of the House of Representatives and stay there until we get this appropriation, even though the bill itself shall fail in consequence.

I feel deeply upon this subject, Mr. President, possibly because of my association with my colleagues upon the Committee on Military Affairs, before which day after day the seriousness of this situation and the necessity of doing something has been brought home to us constantly, continually, closely. So far as preparation is concerned, I think it is the most important element that we have now confronting us.

Mr. FLETCHER. Mr. President, just a word.

I am not prepared at this time to commit myself to a separate department of aeronautics. I am studying that question, and do not know yet what conclusion will be reached about it; but I quite agree with the Senators who have discussed this matter as to the importance of maintaining the Air Service.

One effect of the lack of this sort of appropriation is withdrawing from the Air Service all encouragement and all sup-

port and having it practically go to pieces. It is not merely a question of failing to keep up in modern inventions and improvements of the airplane with other countries. It is a question of preserving the Air Service of the United States; and I think we all agree that that is the most important arm of the service and means of national defense. I believe that unless we take care of this situation as it exists now, and make this appropriation, the Air Service will suffer almost irretrievably.

For instance, out of 1,800 nonflying officers in the service to-day all except 180 are going out by the 1st of November. Only 180 nonflying officers will remain in the service after the 1st of November; and that merely illustrates what is bound to follow all through the service unless we provide the encouragement and support which ought to be given to that service.

The body at the other end of the Capitol I believe realize the importance of the service. Their position is that we ought first to decide upon a permanent program and policy with reference to it. The idea seems to be that perhaps by December or January we will have another deficiency bill, and can then take care of the needs of the Air Service, and perhaps of the Navy. It is a mistake not to provide the things originally carried in this bill for the Navy Department, but it is expected that the next deficiency bill will be sufficient to do that, and that they can get along until January.

There is no use in fiddling along about an important matter like this. December is nearly here. Before we can fairly turn around we will be right at the date they fix for the next appropriation bill. Why not take care of it now, in the present bill? Why wait? When we are faced with the inevitable thing, why not meet it bravely, and do it now, without mincing matters and withholding that support and that encouragement that ought to be granted to the service?

I am ready to vote against agreeing to the adoption of this report.

Mr. HENDERSON. Mr. President, I dislike very much even to suggest putting any further burdens upon the shoulders of the chairman of the Appropriations Committee; but, Mr. President, the time has come when the Senate of the United States should take a determined stand and handle these matters in a businesslike way.

The Senator from New York [Mr. WADSWORTH] a few moments ago told us that if this service was allowed to lapse for a period of 18 months, in his opinion it would take us 25 years to get back where we were at the close of the war, or the signing of the armistice.

Mr. WADSWORTH. I meant to catch up with the progress which other nations would be making during those 25 years.

Mr. HENDERSON. But, further than that, Mr. President, it would cost us from three to four times in money what it would to appropriate, say, fifteen or twenty-five millions now and keep along with the pace. In other words, it is economy for the Congress of the United States to make these appropriations at the time they should be made and keep the work going along and not allow it to lapse and all go into desuetude and ruin and rack, as it will if we do not keep up the service at the present time.

Mr. NEW. Mr. President, will the Senator yield?

Mr. HENDERSON. I yield.

Mr. NEW. In confirmation of what the Senator from Nevada says, I want to call attention to the fact that some of the types of machines which have been adopted by us, and would be built by the War Department under this order, will cost at a minimum \$79,000 if built by hand. They can be built for around \$30,000 if put into production. That is the difference. When you get to the place where you are going to order any of these machines at all, if you are going to buy them piecemeal as they must be had, the cost will be, just as the Senator from Nevada is trying to point out, three times what it will be if you proceed in some intelligent fashion.

Mr. HENDERSON. Mr. President, the Senator from New York stated a few moments ago that Great Britain in the month of July, 1919, had built 2,000 planes.

Mr. WADSWORTH. That is right.

Mr. HENDERSON. May I ask the Senator from New York whether those planes were built by the Government or by the Government and individual firms?

Mr. WADSWORTH. They were built almost entirely by private industry, encouraged by the Government, and sustained in part by Government appropriations.

Mr. HENDERSON. And in the United States, during the same month, only 19 planes were built?

Mr. WADSWORTH. Oh, no; 14. The Senator is exaggerating. It is 14.

Mr. HENDERSON. Fourteen; and were those planes built with any Government aid at all?

Mr. WADSWORTH. They were built for the Government.

Mr. HENDERSON. Under Government contracts?

Mr. WADSWORTH. Yes. I think the Post Office Department got half a dozen. The War Department got, I think, six; hand made—something like that. It is immaterial. There were only 14 altogether.

Mr. HENDERSON. It does not amount to anything?

Mr. WADSWORTH. It does not amount to anything.

Mr. NEW. And they were all made by one concern. There was just one concern in the United States that produced airplanes in the month of July.

Mr. HENDERSON. Mr. President, I believe that the Senate should take a firm stand at this time and not allow this service to lapse and go back, and that we should make this appropriation; and I believe that the Appropriations Committee and the Military Affairs Committee can show the House of Representatives the necessity for such an appropriation.

Mr. SWANSON. Mr. President, I should like to ask the chairman of the committee with reference to an appropriation made by the House aggregating \$9,300,000, which consisted of a transfer of \$7,300,000 and \$2,000,000, respectively, which had previously been appropriated for "Pay of the Navy" and "Provisions, Navy," which was to be transferred so that it could be used as follows: Two million five hundred thousand dollars for maintenance, Bureau of Yards and Docks; \$1,050,000 for maintenance, Bureau of Supplies and Accounts; \$3,250,000 for construction and repair of vessels, Bureau of Construction and Repair; and \$2,500,000 for engineering, Bureau of Steam Engineering.

Witnesses who appeared before the Naval Affairs Committee said it was their understanding, from estimates transmitted to the Appropriations Committee, that the navy-yard repair of vessels which are badly in need of repairs will stop unless this sum is appropriated. I have been told by the Senator from Kansas [Mr. CURRIS] that they have sufficient funds to run them until January.

Mr. WARREN. There is no trouble at all about it.

Mr. SWANSON. And they expect to have a deficiency bill in December which will take care of the situation?

Mr. WARREN. There is money enough to run a long time after January; but there are other matters that must be taken care of in December and January, and this matter will then be taken up in the House, I understand.

Mr. SWANSON. It will be taken up, so as to take care of the situation?

Mr. WARREN. Yes; and will be considered.

Mr. SWANSON. And will be considered in December in the deficiency bill? Very well.

Mr. WARREN. I do not wonder at all at the feeling of Senators about wishing to obtain permission to use for the purpose of aeronautics some \$15,000,000 heretofore. I beg of them, though, to remember that there is a right way and a wrong way to do all these things, this one included. We are unfortunate enough not to have had this presented, as it should have been, to the Treasury Department, transmitted in a regular estimate to the House, and in season for the House to consider it. Therefore when it comes up here first the House knows nothing of it; and it leaves them the ground to stand upon the rules until they can become better acquainted with it. I think I have said enough about my feelings concerning it to demonstrate that I would vote to take it back if I thought that was the way to reach favorable results soonest. But if such a motion is made I shall hope it will not prevail, because I think it would damage the cause. We meet again on the first Monday in December. By that time we ought to have all these matters, tools, if I may term them such, or estimates, and so forth, in such form that the House can not refuse to consider it affirmatively or negatively, and then when it comes to the Senate we will be in a much better position to handle it than now.

Mr. JONES of Washington. Mr. President, I am afraid we are going to duplicate our experience with ships in our dealing with the airplane service. For many years we talked about a policy for the development of an American merchant marine, but we did nothing. As a result we have appropriated since the war began a sum of money which equals the book value of all the ships of all the world in 1914. We have a lot of ships. Some of them are good and some of them are bad. Whether we will be able to develop an efficient American merchant marine is to be determined by the future. It looks as if we were following about the same policy with reference to the airplane service. If we do, we will have the same disastrous results. When the time comes that we need airships, we will not have them, and we will have to spend probably twice as much money as they would have cost if developed under a proper policy.



But I am not going to take any time to emphasize what has been said by other Senators with reference to the necessity of developing this service. I agree with everything they have said, and I hope that we will do something along these lines in the very near future.

I think I agree, however, with the chairman of the committee in that I do not believe anything can be accomplished by sending this measure back to conference. I do believe, however, that we ought to develop a policy. There ought to be a general plan so that the aircraft development service can be coordinated. We will get the best results in that way. Whenever we can get a plan of that sort adopted, we will not have so much difficulty about getting the necessary appropriations to develop it and carry it on.

I wanted to refer, however, to another item in the bill. I understand the appropriation for the Alaskan Railway has been placed at \$6,000,000. I am satisfied that the conferees on the part of the Senate got the very best that they could. I am really surprised that they got so much, under the circumstances, although I think it would be economy for us to make an even more liberal appropriation than \$6,000,000. We are going to complete the Alaskan Railroad. The more rapidly the work is carried on, the more fully the plans for its early completion are carried out, the cheaper the work will be done, and we will save money by appropriating the funds that are necessary to keep the force that may be gathered there and is organized, employed every day in the year that it can be employed. Plans have been made under which the work can be carried on. If those plans can be carried out, the work will be done more cheaply than if those plans are delayed.

The fiscal year ends right in the middle of the working season in Alaska, June 30. This \$6,000,000, in my judgment, will no more than carry out the work expeditiously, economically, and effectively until about June 30 or the 1st of July. Without money that they can use for getting supplies or materials, and everything of that sort necessary to enable them to take advantage of the working season after July 1, it means simply delay in the completion of the road, and it will mean ultimately an increase in the cost of the road.

But I feel that there can be no question about the appropriation in the future for whatever is necessary to complete this road. I believe that the men in charge can make their plans, with the assurance that in the sundry civil bill of the next session ample appropriations will be made for the next fiscal year, beginning July 1. The only difficulty about it is that they can not make their contracts for the delivery of material that will be needed and be used after that time; but I think they can rest assured that they can make their plans and go just as far as they can go without actually having the money appropriated for them, with the assurance that they will get the money in the next regular bill.

I wanted to ask, for the RECORD, of the Senator from Wyoming [Mr. WARREN], who has had long experience here, if it is not his judgment that they can rest assured that the money that is necessary to carry on the work will be provided in the sundry civil bill at the next session of Congress, and that they can safely make their plans upon that basis?

Mr. WARREN. Mr. President, the original law of \$35,000,000 limit on the construction of the Alaskan Railroad will have been exhausted before the end of this calendar year, and the law passed to provide \$17,000,000 more passed only a short time ago—a few days ago—so that the matter was not considered on the House side. The Interior Department came to us asking \$17,000,000, the whole new amount provided for and put in on the principle that it would take that much to finish the road, and that there would be a percentage of gain to the forces conducting the construction to know that they were to get all the money on time.

But I will say to the Senator that they will not be able to use, for about 12 months, more than this \$6,000,000, and it would take, as estimated, more than two years to finish the road.

The Senator from Washington [Mr. JONES] is a member of the Appropriations Committee and a member of the subcommittee on the sundry civil bill. I have no idea that the Congress, having passed the bill to allow \$17,000,000 more, will do otherwise than, in the next sundry civil bill, send us over from the House either the whole of what remains undisposed of or enough to carry it at least another year, and I am sure the Senate will feel that it is almost a certainty, the bill having passed both Houses, that they will provide the funds accordingly.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

On a division, the report was agreed to.

#### ROOSEVELT ON POPULAR GOVERNMENT.

Mr. OWEN. Mr. President, I ask to have reprinted a speech made by Theodore Roosevelt in 1912 on popular government. It appears there were two of those speeches, one Senate Document No. 348 and one Senate Document No. 473 of the Sixty-second Congress. I would like to ask to have a reprint made of those two documents.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Oklahoma? The Chair hears none, and it is so ordered.

#### REPORT OF MISSION TO POLAND.

Mr. GERRY. Out of order I offer the following resolution, and ask for its immediate consideration.

The resolution (S. Res. 221) was read, considered by unanimous consent, and agreed to, as follows:

Whereas it is understood that the mission of the United States Government to Poland, headed by Hon. Henry Morgenthau, has completed its work, and Mr. Morgenthau has made a report to the Secretary of State: Therefore be it

Resolved, That the Secretary of State is hereby requested to send to the Senate, if it is not incompatible with the public interest, a copy of said report.

#### HARRY GRAHAM.

Mr. WADSWORTH. Out of order I ask unanimous consent to submit a favorable report from the Committee on Military Affairs on the bill (H. R. 8272) to restore Harry Graham, captain of Infantry, to his former position on lineal list of captains of Infantry, and I submit a report (No. 278) thereon. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. KING. I object.

The PRESIDENT pro tempore. Objection is raised, and the bill will go over.

Mr. KING subsequently said: Mr. President, I confused the measure which the Senator from New York asked immediate consideration for a few moments ago with another bill, and I withdraw the objection that I then made to the immediate consideration of the measure.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read as follows:

*Be it enacted, etc.,* That the President of the United States be, and he is hereby, authorized to restore Harry Graham, captain of Infantry, to his former position on the lineal list of captains of Infantry immediately below that of Capt. John Randolph.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### PEARL RIVER BRIDGE.

Mr. SHEPPARD. Mr. President, I have a bridge bill which ought to pass immediately. I report from the Committee on Commerce favorably and I ask unanimous consent for the immediate consideration of the bill (H. R. 9697) to extend the time for the construction of a bridge across Pearl River between Pearl River County, Miss., and Washington Parish, La., and I submit a report (No. 279) thereon. The Senator from Louisiana [Mr. GAY] is present and will explain the bill if any explanation is desired.

The PRESIDENT pro tempore. The Senator from Texas asks unanimous consent for the present consideration of the bill. Is there objection?

There being no objection, the bill was considered as in Committee of the Whole, and it was read as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge, authorized by act of Congress approved February 27, 1917, to be built across the Pearl River at or near the fourth ward of the parish of Washington, State of Louisiana, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### POSTMASTER AT UNION CITY, TENN.

Mr. McKELLAR. Mr. President, I ask unanimous consent, as in closed executive session, to confirm the nomination of George W. Phebus, jr., to be postmaster at Union City, Tenn., it being one of the appointments that was overlooked. There will be no objection to it.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The nomination is confirmed, and the President will be notified.

#### POSTMASTER AT SPRINGDALE, ARK.

Mr. KIRBY. Mr. President, I ask unanimous consent, as in closed executive session, to confirm the nomination of John P. Stafford as postmaster at Springdale, Ark.

Mr. WADSWORTH. Mr. President, are these nominations presented in the way of committee reports?

Mr. KIRBY. These nominations have been agreed upon and already presented by the committee heretofore, but this one has been held up and overlooked.

Mr. WADSWORTH. They are already upon the calendar?

Mr. KIRBY. No; they are not upon the calendar.

Mr. WADSWORTH. Then they must be presented in the way of a committee report. I have no objection.

Mr. TOWNSEND. They are presented as committee reports. Under the peculiar rules of the Committee on Post Offices and Post Roads, when nominations are made they are referred to the Senators of the State from whence they come, and if they agree to them they are authorized to report them.

Mr. WADSWORTH. They are in the nature of committee reports, then.

The PRESIDENT pro tempore. Is there objection to the present consideration of the nomination presented by the Senator from Arkansas? The Chair hears none. The nomination is confirmed, and the President will be notified.

POSTMASTER AT ALTUS, OKLA.

Mr. TOWNSEND. Mr. President, I desire to present a report from the Committee on Post Offices and Post Roads with reference to the confirmation of Samuel H. Starkey as postmaster at Altus, Okla. I ask for its present consideration as in closed executive session.

The PRESIDENT pro tempore. If there is no objection, the nomination is confirmed, and the President will be notified.

POSTMASTER AT ROCKY FORD, COLO.

Mr. PHIPPS. Mr. President, from the Committee on Post Offices and Post Roads I present a report with reference to the nomination of Thomas H. Stratton as postmaster at Rocky Ford, Colo., and I ask its immediate consideration as in closed executive session.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed, and the President will be notified.

TREATY OF PEACE WITH GERMANY.

Mr. CURTIS. Mr. President, I move that the Senate proceed to the consideration of the treaty of peace with Germany in open executive session.

The motion was agreed to, and the Senate as in Committee of the Whole and in open executive session resumed the consideration of the treaty of peace with Germany.

RECESS.

Mr. CURTIS. I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, October 29, 1919, at 11 o'clock a. m.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate October 28 (legislative day, October 22), 1919.*

##### POSTMASTERS.

###### ARKANSAS.

John P. Stafford, Springdale.

###### COLORADO.

Thomas H. Stratton, Rocky Ford.

###### OKLAHOMA.

Samuel H. Starkey, Altus.

###### TENNESSEE.

George W. Phebus, jr., Union City.

#### HOUSE OF REPRESENTATIVES.

TUESDAY, October 28, 1919.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we bless Thee and would magnify Thy holy name, for the God like quality resident in the hearts of the American people which enables them to recognize and appreciate nobility of soul in the lowliest as well as the highest and most favored of mankind; hence the hand and heart of our people go out in the warmest welcome to the King and Queen of Belgium, to whom the world owes a debt of gratitude in the soldierly and womanly example.

The King and his little band of followers displayed valor and bravery unparalleled, in checking and holding back the

horde of German invaders bent on destruction and humiliation of mankind, until the French and English could mobilize their forces and check the invaders; who proved themselves equal to the task in the Battle of the Marne and thus saved democracy, liberty, and justice to the world.

All hail! King of Belgium, and the little army of brave men who accomplished a feat of such magnitude that the world can never pay its debt of gratitude.

Long live nobility of soul inspired by the world's Great Exemplar, the Jesus of Nazareth. Amen.

##### THE JOURNAL.

The Journal of the proceedings of yesterday was read.

Mr. BLANTON. Mr. Speaker, I desire to correct the Journal.

The SPEAKER. The gentleman will state his correction.

Mr. BLANTON. Mr. Speaker, did not the gentleman from Missouri [Mr. CLARK] reserve all points of order on the report? The SPEAKER. The Chair thinks he did.

Mr. BLANTON. Should it not be so stated in the Journal?

The SPEAKER. Although that is not the proper time to reserve points of order.

Mr. BLANTON. But they were reserved by the gentleman from Missouri and the Journal does not so state.

The SPEAKER. The Journal omitted what was superfluous. The Journal was approved.

##### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9782) to regulate further the entry of aliens into the United States.

##### FIRST DEFICIENCY APPROPRIATION BILL—CONFERENCE REPORT.

Mr. GOOD. Mr. Speaker, the conference report on the bill (H. R. 9205) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes, submitted last night and printed in the RECORD of October 27, 1919, contains a few clerical errors. For instance, in Senate amendments numbered 74 and 75 the words "Senate" and "House" are transposed. I ask unanimous consent to withdraw the conference report in order to have these clerical errors corrected.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the conference report be rereferred to the conferees. Is there objection?

There was no objection, and it was so ordered.

##### FIXING TIME OF RECESS.

Mr. MONDELL. Mr. Speaker, in view of the uncertainty in respect to the hour when the exercises in the Senate in honor of the King of Belgium shall conclude, I ask unanimous consent that the Speaker may be permitted to declare the House in recess to-day at any time when he deems proper.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection, and it was so ordered.

##### LEAVE TO ADDRESS THE HOUSE.

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to address the House for 10 minutes. Is there objection?

Mr. GARD. Mr. Speaker, reserving the right to object, upon what subject?

Mr. WILLIAMS. On the statement of Mr. Timothy Shea that the inclusion of the antistrike provision in the reorganization railroad bill would mean revolution.

Mr. GARD. Mr. Speaker, we have some regular business to do to-day, and I do not think the time should now be taken up by the address to which the gentleman refers. I object.

##### CALL OF THE HOUSE.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. Evidently there is not.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.